



**JOINT MEETING OF THE
TEMPLE CITY COUNCIL
&
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, AUGUST 18, 2016
3:00 P.M.
AGENDA**

CITY OF TEMPLE EMPLOYEE BENEFITS TRUST

1. [2016-8161-R](#): Consider adopting a resolution authorizing the following contracts to allow employees to purchase work site supplemental policies for:
 - (A) Accident Critical Illness, and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, IN
 - (B) Cancer from The Guardian Life Insurance Company of America, New York, NY
 - (C) Hospital Indemnity from Metropolitan Life Insurance Company, New York, NY
 - (D) Flexible Spending Account (FSA), Dependent Spending Account (DSA), and Cafeteria 125 Administration by Discovery Benefits, Fargo, ND

**ADJOURN THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING AND
CONVENE THE WORKSHOP OF THE TEMPLE CITY COUNCIL**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 18, 2016.
2. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.
3. Receive third quarter financial results for Fiscal Year 2016.
4. Discuss the City's strategic plan, to include the FY 2016-2017 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2017 Preliminary Budget.

5. Discuss Code Enforcement program.
6. Discuss the status of right-of-way acquisition for the proposed Santa Fe Market Trail/MLK Fields festival grounds and the purchase of seven properties necessary for construction of the project.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

7. Discuss the status of right-of-way acquisition for the expansion of Prairie View Road and the purchase of portions of three properties necessary for the construction of the project.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX
TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to three minutes. No discussion or final action will be taken by the City Council.

III. BUDGET ITEMS

3. [2016-8228-R](#): PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the Community Development Block Grant 2016/17 Annual Action Plan and Budget, 2015-19 Citizen Participation Plan, and 2015-19 Fair Housing Plan, including the funding recommendations.
4. [PUBLIC HEARING](#) – Conduct the second of two public hearings to receive comments on the proposed tax rate of 65.72 cents per \$100 valuation for fiscal year 2017 (2016 tax year), and announce meeting to adopt the proposed tax rate on August 26, 2016.

IV. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:

Minutes

- (A) [August 4, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) **2016-8249-R:** Consider adopting a resolution authorizing the purchase of portions of three properties necessary for the expansion of Prairie View Road, the purchase of three temporary construction easements, authorizing closing costs associated with the purchases, and authorizing the payment of relocation benefits as required by law, in an amount not to exceed \$385,000.
- (C) **2016-8250-R:** Consider adopting a resolution authorizing the purchase of seven properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$104,000, and authorizing the release of liens on two of the properties to be acquired, in the amount of \$800.
- (D) **2016-8251-R:** Consider adopting a resolution authorizing the purchase of three easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$17,000.
- (E) **2016-8252-R:** Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Temple Economic Development Corporation for the conveyance of 6.934 acres of City-owned property located at the corner of Industrial Boulevard and Eberhardt Road in Temple.
- (F) **2016-8253-R:** Consider adopting a resolution authorizing change order #2 to deduct \$90,672 from the contract with McLean Construction, Inc., of Killeen, for reconstruction of Geronimo Trail and portions of Antelope Trail, Deer Trail, and Chisholm Trail in Western Hills.
- (G) **2016-8254-R:** Consider adopting a resolution authorizing a change order to the construction contract with James Construction Group, LLC in an amount not to exceed \$405,000, for construction activities on NW Loop 363.

Misc.

- (H) **2016-8255-R:** Consider adopting a resolution approving third quarter financial results for Fiscal Year 2016.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

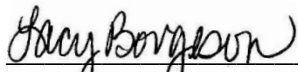
- 6. **2016-4800:** FIRST READING - PUBLIC HEARING - X-FY-16-10: Consider adopting an ordinance authorizing the annexation of a 2.149 acre part or portion of existing right-of-way of Dubose Road, situated in the William Frazier Survey, Abstract No. 310, Bell County, Texas, and located adjacent to the Valley Ranch subdivision.
- 7. **2016-4801:** FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Code of Ordinances, Chapter 15, “Garbage, Refuse, and Recycling.”

RESOLUTION

8. **2016-8256-R:** P-FY-16-23: Consider adopting a resolution approving the Final Plat of Kegley Crossing Addition, a 6.97 +/- acre, 6-lot, 2-block nonresidential subdivision, with a requested exception to Unified Development Code Section 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial across Block 1, Lots 2 through 5, situated in the NANCY CHANCE SURVEY, Abstract No. 5, situated in the City of Temple, in Bell County, Texas, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.
9. **2016-8257-R:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that two properties situated in Original Town of Temple and two properties situated in Roach's Addition, all of which are located along South 6th Street in Temple, Texas, 76501, are necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing the use of eminent domain to condemn the properties.
10. **2016-8258-R:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that portions of three properties situated in the Baldwin Robertson Survey, Abstract #17, and located along Prairie View Road, Temple, Texas, 76502, are necessary for the expansion and realignment of Prairie View Road and authorizing the use of eminent domain to condemn the properties.

The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 PM, on Friday, August 12, 2016.



City Secretary, TRMC



EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

08/18/16
Item #1
EBT Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following contracts to allow employees to purchase work site supplemental policies for:

- (a) Accident Critical Illness, and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, IN
- (b) Cancer from The Guardian Life Insurance Company of America, New York, NY
- (c) Hospital Indemnity from Metropolitan Life Insurance Company, New York, NY
- (d) Flexible Spending Account (FSA), Dependent Spending Account (DSA), and Cafeteria 125 Administration by Discovery Benefits, Fargo, ND

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently provides worksite benefits through multiple vendors. The current administrator of the Cafeteria 125 plan is Discovery.

The implementation of an on-line enrollment platform in 2014 presented the City with the opportunity to offer its employees worksite benefits based on the best value of each individual product.

The City's benefits consultant, Burke Sunday of Gallagher Benefits Services, received 6 responses to the request to replicate the benefits offered. The responses from the vendors were reviewed by Mr. Sunday and staff. The recommended vendors submitted responses that provided an equal or greater benefit to the employee's with lower cost or minimal increase. Discovery Benefits will offer employees enhanced management of their FSA and DSA.

At its July 17, 2014 meeting, the Trustees concurred with staff recommendation and authorized a two year contract, October 1, 2014-September 30, 2016, with each vendor for worksite benefits and Cafeteria 125 management. The contracts allow for a one year extension. Staff recommends that the Trustees authorize a one year extension to these contracts from 10/1/2016-9/30/2017, with no changes in rates and provisions.

FISCAL IMPACT: There is no cost to the City for these services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING THE PURCHASE OF WORKSITE SUPPLEMENTAL POLICIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently provides worksite benefits through the following vendors:

- Accidental Critical Illness and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, Indiana;
- Cancer from The Guardian Life Insurance Company of America, New York, New York;
- Hospital Indemnity from Metropolitan Life Insurance Company, New York, New York;
- Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration through Discovery Benefits, Fargo, North Dakota;

Whereas, the implementation of an on-line enrollment platform in 2014 presented the City with the opportunity to offer its employees worksite supplemental benefits based on the best value of each individual product;

Whereas, the City's benefits consultant, Burke Sunday of Gallagher Benefits Services, received six responses to the request to replicate the benefits offered and the responses were reviewed by Mr. Sunday and Staff - the recommended vendors submitted responses that provided an equal or greater benefit to the City's employees with lower cost or minimal increase;

Whereas, Discovery Benefits will offer employees enhanced management of their Flexible Spending Account and Dependent Spending Account;

Whereas, at its July 17, 2014 meeting, the Trustees concurred with Staff recommendation and authorized a two year contract with each vendor for worksite benefits and Cafeteria 125 management - those contracts authorized a one-year extension and Staff recommends the Trustees authorize a one-year extension to these contracts with no changes in rates and provisions;

Whereas, the term of the one-year contract extension will be from October 1, 2016 through September 30, 2017; and

Whereas, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:

Part 1: The City of Temple Employee Benefits Trust authorizes a one-year extension to the contract for the purchase of work site supplemental policies through the following vendors:

- Accidental Critical Illness and Short Term Disability from the Lincoln Financial Group, Ft. Wayne, Indiana;
- Cancer from The Guardian Life Insurance Company of America, New York, New York;
- Hospital Indemnity from Metropolitan Life Insurance Company, New York, New York;
- Flexible Spending Account, Dependent Spending Account, and Cafeteria 125 Administration through Discovery Benefits, Fargo, North Dakota;

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

CITY OF TEMPLE, TEXAS, EMPLOYEE
BENEFITS TRUST

DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #3
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the Community Development Block Grant 2016/17 Annual Action Plan and Budget, 2015-19 Citizen Participation Plan, and 2015-19 Fair Housing Plan, including the funding recommendations.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY: 2016–2017 Annual Action Plan and Budget

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple anticipates we will receive \$410,971 for our 2016/17 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$14,947 from the 2015 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan.

<i>2016-17 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$410,971	\$0	\$14,947	\$425,918

The proposed allocation of funds is as follows:

Public Services	\$57,500
Infrastructure Improvements	\$100,000
Housing Improvements	\$118,418
Demolition	\$70,000
Administration	\$80,000
Total	\$425,918

Public Services - \$57,500

The City received five (5) applications requesting a total of \$112,234 in CDBG Public Service Agency (PSA) funding. A total of \$57,500 will be awarded to qualifying programs and to those that address objectives outlined in the five-year Consolidated Plan.

Infrastructure Improvements - \$100,000

Infrastructure improvements will focus on sidewalk/transportation enhancements. Projects will address objectives outlined in the five-year Consolidated Plan.

Housing Improvements - \$118,418

Housing improvements will focus on accessibility, emergency home repair, pre-weatherization and maintenance classes to improve and encourage continued maintenance of homes needing attention and repair. Projects will address objectives in the five-year Consolidated Plan.

Demolition - \$70,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is an on-going program and has recently been moved in-house through the City's Code Enforcement division.

Administration - \$80,000

It is recommended that \$80,000 be allocated for the City's administration of the CDBG Program.

Citizen Participation Plan

As a recipient of CDBG entitlement program funds the City is required to produce a Citizen Participation Plan, which outlines how, and when, the City will request formal and informal participation in the development and implementation of the CDBG programs. The recent ruling Fair Housing requires the City to update the existing plan. The Plan must ensure that all residents, businesses, non-profits and other interested parties have a vehicle by which they can become involved in how federal funds are spent on the local level. According to Part 24 of the Code of Federal Regulation, section 91.100, participation by residents in the CDBG Program is a requirement of HUD as is the development of a Citizen Participation Plan.

Fair Housing Plan

The Fair Housing Plan is typically submitted with the Consolidated Plan, however CDBG did not require a Fair Housing Plan during the completion of our 2015 – 2019 Consolidated Plan because of pending guidance for recipients. Upon receipt of the guidance staff completed a new Fair Housing Plan that guides the City in fair housing activities, events, goals and desired outcomes throughout the Consolidate Plan implementation period.

This presentation and public hearing for the proposed 2016/17 Annual Action Plan and Budget, Citizen Participation Plan, and Fair Housing Plan will be followed by a 30-day public comment period. A final public hearing and action on the 2016/17 Annual Action Plan and Budget, Citizen Participation Plan, and Fair Housing Plan will occur at the August 4, 2016 Council Meeting.

FISCAL IMPACT: The allocation amount of \$410,971 in FY 2016/17 CDBG funds along with the reprogramming of \$14,947 in additional funds available for a total of \$425,918 are to be allocated as recommended.

This presentation and public hearing for the proposed 2016/17 Annual Action Plan and Budget, 2015-19 Citizen Participation Plan and 2015-19 Fair Housing Plan was preceded by a 30-day public comment period.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 ANNUAL ACTION PLAN AND BUDGET, THE 2015-2019 CITIZEN PARTICIPATION PLAN, THE 2015-2019 FAIR HOUSING PLAN, INCLUDING FUNDING RECOMMENDATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a public hearing was held on August 18, 2016, to receive public comments on the proposed Community Development Block Grant (CDBG) 2016-2017 Annual Action Plan and Budget, the 2015-2019 Citizen Participation Plan, and 2015-2019 Fair Housing Plan, including funding recommendations;

Whereas, the CDBG Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program;

Whereas, the City anticipates the receipt of \$410,971 for the 2016-2017 CDBG allocation and these funds will be used to enhance the City's community development programs and support safe, well-planned residential and business districts - over 70% of funding allocated to CDBG activities must benefit low to moderate income persons;

Whereas, the City also plans to reallocate \$14,947 from the 2015 Action Plan in order to assist with meeting the goals identified in the 2015-2019 Consolidated Plan;

Whereas, as a recipient of CDBG entitlement program funds, the City is required to produce a Citizen Participation Plan, which outlines how and when, the City will request formal and informal participation in the development and implementation of the CDBG programs;

Whereas, the recent Fair Housing ruling requires the City to update the existing plan to ensure that all residents, businesses, non-profits and other interested parties have a vehicle by which they can become involved in how federal funds are spent on the local level;

Whereas, according to Part 24 of the Code of Federal Regulation, Section 91.100, participation by residents in the CDBG Program is a requirement of HUD as is the development of a Citizen Participation Plan;

Whereas, the Fair Housing Plan is typically submitted with the Consolidated Plan, however CDBG did not require a Fair Housing Plan during the completion of our 2015 – 2019 Consolidated Plan because of pending guidance for recipients - Staff has now completed a new Fair Housing Plan that guides the City in fair housing activities, events, goals and desired outcomes throughout the Consolidate Plan implementation period; and

Whereas, the City Council has considered the matter and deems it in the public interest to adopt the Community Development Block Grant 2016-2017 Annual Action Plan and Budget, the 2015-2019 Citizen Participation Plan, and the 2015-2019 Fair Housing Plan, including funding recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council adopts the Community Development Block Grant 2016-2017 Annual Action Plan and Budget, the 2015-2019 Citizen Participation Plan, and the 2015-2019 Fair Housing Plan, including funding recommendations.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #4
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct the second of two public hearings to receive comments on the proposed tax rate of 65.72 cents per \$100 valuation for fiscal year 2017 (2016 tax year), and announce meeting to adopt the proposed tax rate on August 26, 2016.

STAFF RECOMMENDATION: Conduct a public hearing but no action is required.

ITEM SUMMARY: At the August 4, 2016 regular meeting, Council discussed the proposed tax rate of 65.72 cents per \$100 valuation and adopted a resolution scheduling the adoption of the proposed tax rate for August 26, 2016, and setting public hearings for August 12, 2016 and August 18, 2016 on the proposed tax rate for FY 2016-2017.

The proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

The FY 2016-2017 budget was prepared with a preliminary total tax rate of 66.48 cents per \$100 valuation and a preliminary tax base of \$3,985,432,114 (an estimated 3.77% increase from prior year).

On July 18, 2016, the Chief Appraiser certified the tax roll of \$3,970,340,738 (a 3.37% increase from prior year). On July 26, 2016, the Chief Appraiser calculated the effective tax rate of 62.46 cents. Changes in the tax rate components as compared to the preliminary budget filed June 24, 2016 are as follows:

Comparing proposed tax rate of 65.72 cents to the *preliminary* rate of 66.48 cents as proposed in the budget filed on June 24, 2016:

	PRELIMINARY FY 2017	PROPOSED FY 2017	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3234	\$ 0.3142	\$ (0.0092)
I&S (Interest & Sinking - Debt)	0.3414	0.3430	0.0016
	<u>\$ 0.6648</u>	<u>\$ 0.6572</u>	<u>\$ (0.0076)</u>

An adjustment of the certified taxable value (\$3,970,340,738) from the preliminary taxable value (\$3,985,432,114); and an increase in the frozen tax levy to \$2,229,427 from a preliminary levy of \$2,222,630 will result in a net decrease to the M&O revenue by \$367,729 as compared to the preliminary budget filed on June 24, 2016. The decrease in the certified taxable value as compared to the preliminary taxable value will result in a net increase in the I&S debt revenue by \$1,658.

Comparing the proposed tax rate of 65.72 cents to the *current FY 2016 adopted* tax rate of 62.98 cents:

	FY 2016	PROPOSED FY 2017	Increase (Decrease)
Proposed Tax Rate			
M&O (Maintenance & Operation)	\$ 0.3234	\$ 0.3142	\$ (0.0092)
I&S (Interest & Sinking - Debt)	0.3064	0.3430	0.0366
	<u>\$ 0.6298</u>	<u>\$ 0.6572</u>	<u>\$ 0.0274</u>

The I&S component of the tax rate includes the estimated additional tax rate adjustment to support the continued implementation of the transportation capital improvement program.

Example 1 – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of 65.72 cents per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would increase by \$27.40 per year (\$2.28 per month) if there was no change in taxable value from the prior year.

Example 2 – Annual Property Tax - Average Taxable Value for City of Temple:

The preceding tax year's average taxable value of a residence homestead in Temple was \$103,075. In the current tax year, the average taxable value a residence homestead in Temple is \$106,267. With the proposed tax rate of 65.72 cents per \$100 valuation, there would be an annual increase of \$49.22 in taxes (\$4.10 per month).

FISCAL IMPACT:

Changes from the preliminary tax rate and base used to calculate the filed budget on June 24, 2016 to the proposed rate with the certified tax roll as presented August 12, 2016 are as follows:

	Filed Budget 06/24/16	Proposed Budget 08/12/16	Increase/ (Decrease)
<i>Tax Base*</i>	\$3,985,432,114	\$3,970,340,738	(\$15,091,376)
<i>Tax Rate:</i>			
(General) M&O	32.34¢	31.42¢	(0.92¢)
(Debt) I&S	34.14¢	34.30¢	0.16¢
Total Tax Rate	66.48¢	65.72¢	(0.76¢)
<i>Tax Levy:</i>			
(General) M&O	\$11,514,895	\$11,136,655	(\$378,240)
Frozen Taxes	2,222,630	2,229,427	6,797
(Debt) I&S	12,155,798	12,157,456	1,658
Total Tax Levy*	\$25,893,323	\$25,523,539	(\$369,784)
<i>Budget:</i>			
Projected Revenues	\$67,726,478	\$67,487,385	(\$239,093)
Proposed Expenditures	70,707,696	70,468,603	(239,093)

*Excludes Reinvestment Zone No. 1

FY 2017
GENERAL FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-16-16	
Projected Revenues	\$ 67,726,478	\$ 67,487,385	\$ (239,093) ^A
Proposed Budget Expenditures	69,423,380	69,184,287	(239,093) ^B
Excess Revenues Over (Under) Expenditures	(1,696,902)	(1,696,902)	-
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
Solid Waste/CNG	(985,000)	(985,000)	-
FY 2016 Bldg Improvements/Garbage Trucks	(299,316)	(299,316)	-
Total Transfer In (Out)	(1,284,316)	(1,284,316)	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ (2,981,218)	\$ (2,981,218)	\$ -
Recommended Use of Undesignated Fund Balance			
- TEDC Matrix Funding	\$ 522,000	\$ 522,000	\$ -
- Capital Equipment Funding	2,359,218	2,359,218	-
- Strategic Investment Zone Funding	100,000	100,000	-
	\$ 2,981,218	\$ 2,981,218	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 08/16/2016:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (367,729)
Adjusted revenue estimates	128,636
Total Revenue Changes	\$ (239,093)

^B **Expenditure Changes:**

Various operational adjustments	\$ (237,602)
Adjusted contingency for adjustment from preliminary to certified tax roll	(1,491)
Total Expenditures Changes	\$ (239,093)

Net Revenue Over (Under) Expenditures

\$ -

FY 2017

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-24-16	Current as of 08-16-16	
Projected Revenues	\$ 13,315,214	\$ 13,315,214	\$ -
Proposed Budget Expenditures	14,900,556	14,900,556	-
Excess Revenues Over (Under) Expenditures	\$ (1,585,342)	\$ (1,585,342)	-
Transfers In (Out):			
Plus: Transfer In From General Fund -			
Solid Waste/CNG	985,000	985,000	-
FY 2016 Bldg Improvements/Garbage Trucks	299,316	299,316	-
Total Transfer In (Out)	1,284,316	1,284,316	-
Excess Revenues Over (Under) Expenditures for FY 2017	\$ (301,026)	\$ (301,026)	\$ -
Recommended Use of Undesignated Fund Balance	301,026	301,026	-
	\$ -	\$ -	\$ -

ATTACHMENTS:

None



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) August 4, 2016 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

August 4, 2016 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of portions of three properties necessary for the expansion of Prairie View Road, the purchase of three temporary construction easements, authorizing closing costs associated with the purchases, and authorizing the payment of relocation benefits as required by law, in an amount not to exceed \$385,000.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including a realigned intersection at FM 317. The design requires the acquisition of right-of-way from eighteen different property owners. Appraisals have been performed on the parcels, offers have been made to the property owners based upon those appraisals, and the City's consultant has prepared the required relocation studies.

Agreements have been reached with fourteen of the property owners. Two properties will be dedicated with the adjacent plats, and one was removed from the scope of the project. On June 2, Council approved the acquisition of three properties, in an amount not to exceed \$214,000. On June 16, Council approved the acquisition of two properties, in an amount not to exceed \$366,000. On July 21, Council approved the acquisition of four properties, in an amount not to exceed \$496,000. On August 4, Council approved the acquisition of two properties, in an amount not to exceed \$24,000.

As of August 9, counter offers have been received for three of the remaining four properties needed as right-of-way. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each this summer. At this time, Staff is asking for authorization to purchase the necessary right-of-way from three additional properties, purchase three accompanying temporary construction easements, pay closing costs, and pay relocation benefits as required by law, in an amount not to exceed \$385,000. The addresses and Bell CAD ID Numbers of the three properties are listed below:

9084 Prairie View Road (Bell CAD #196573)
8750 Prairie View Road (Bell CAD #133003)
8710 Prairie View Road (Bell CAD #118317)

FISCAL IMPACT: Funding is appropriated for the purchase of the three properties necessary for the expansion of Prairie View Road in account 365-3400-531-6862, project #101257.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PORTIONS OF THREE PROPERTIES NECESSARY FOR THE EXPANSION OF PRAIRIE VIEW ROAD; THE PURCHASE OF THREE TEMPORARY CONSTRUCTION EASEMENTS; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES; AUTHORIZING THE PAYMENT OF RELOCATION BENEFITS AS REQUIRED BY LAW IN AN AMOUNT NOT TO EXCEED \$385,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Prairie View Road from North Pea Ridge Road to the water tower approximately 0.4 miles west of FM 317, including the realigned intersection of FM 317;

Whereas, the design requires the acquisition of right-of-way from 18 different property owners - appraisals have been performed on the parcels, offers have been made to the property owners based upon those appraisals and the City's consultant is preparing the required relocation studies;

Whereas, agreements have been reached with fourteen of the property owners – two properties will be dedicated with adjacent plats and one was removed from the scope of the project;

Whereas, as of August 9, 2016, counter offers have been received for three of the remaining four properties needed as right-of-way and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each this summer;

Whereas, Staff recommends Council authorize the purchase of portions of three properties necessary for the expansion of Prairie View Road, the purchase of three temporary construction easements, the payment of closing costs associated with these purchases and the payment of relocation benefits as required by law, in an amount not to exceed \$385,000 - the addresses and Bell CAD ID numbers of the three properties are:

9084 Prairie View Road (Bell CAD #196573)
8750 Prairie View Road (Bell CAD #133003)
8710 Prairie View Road (Bell CAD #118317);

Whereas, funding for the purchase of the three properties and three temporary construction easements for the expansion of Prairie View Road is available in Account No. 365-3400-531-6862, Project No. 101257; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the purchase of portions of three properties necessary for the expansion of Prairie View Road, located at 9084 Prairie View Road, 8750 Prairie View Road and 8710 Prairie View Road, the purchase of three temporary construction easements, the payment of closing costs associated with these purchases and the payment of relocation benefits as required by law, in an amount not to exceed \$385,000.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of these properties.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of seven properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs associated with the purchase, in an amount not to exceed \$104,000, and authorizing the release of liens on two of the properties to be acquired, in the amount of \$800.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed Santa Fe Market Trail and MLK Fields festival grounds. The design encompasses 25 properties, including six previously acquired by the City. Stateside Right-of-Way Services was selected in February 2016 to assist with the remaining acquisitions.

Appraisals have been performed on all of the parcels and the City has made offers to the owners. Seven of the City's initial offers were accepted. Council approved the acquisition of two properties on May 5, two properties on May 19, one property on June 16, and two properties on July 7. In May 2016, two of the properties were sold at a tax sale, and on August 4, Council approved the acquisition of those two properties from the new owner. On August 4, Council also approved the acquisition of a property at a negotiated price from another owner.

The acquisition of seven properties from six different owners is still required. Staff has reached an agreement with one of the owners, and Staff is seeking authorization to purchase the property at the negotiated price and pay the necessary closing costs. In addition, Stateside has been actively negotiating with two of the remaining owners, and Staff is seeking authorization to complete the purchase of those three properties once agreements have been reached. In addition, over the past six months Stateside has diligently attempted to locate the owners of the other three remaining properties, but unfortunately has been unsuccessful. Thus, condemnation may be necessary to resolve the title issues and acquire the properties, which also have tax suits pending by Bell County and multiple liens by both the City and third parties. In the event that the owners surface or the County proceeds to a tax sale, Staff is seeking authorization to acquire the three properties.

In sum, Staff is seeking authorization to complete the purchase of following seven properties and pay necessary closing costs, in an amount not to exceed \$104,000. Staff is also seeking authorization to release liens against two of the properties, totaling \$800. The properties to be acquired are listed below:

212 South 6th Street (Bell CAD ID #36638)
310 South 6th Street (Bell CAD ID #124328)
219 South 6th Street (Bell CAD ID #68398)
307 South 6th Street (Bell CAD ID #92063)
313 East Avenue C (Bell CAD ID #30772)
301 East Avenue D (Bell CAD ID #50445)
South 6th Street (Bell CAD ID #50446)

FISCAL IMPACT: Funding for the purchase of seven properties necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SEVEN PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$104,000; AUTHORIZING THE RELEASE OF LIENS ON TWO OF THE PROPERTIES TO BE ACQUIRED IN THE AMOUNT OF \$800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Market Trail/MLK Fields festival grounds which encompasses 25 properties, including six previously acquired by the City - Stateside Right-of-Way Services was selected in February 2016 to assist with these acquisitions;

Whereas, appraisals have been performed on all of the parcels and the City has made offers to the owners - seven of the City's initial offers have been accepted to date with Council approving the acquisition of two properties on May 5, 2016, two properties on May 19, 2016, one property on June 16, 2016, and two properties on July 7, 2016;

Whereas, in May 2016, two of the properties were sold at a tax sale, and on August 4, 2016, Council approved the acquisition of those two properties from the new owner, as well as approved the acquisition of a property at a negotiated price from another owner;

Whereas, the acquisition of 7 properties from six different property owners is still required for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, including the payment of necessary closing costs, in an amount not to exceed \$104,000 and the request to release liens against two of the properties, totaling \$800 – the properties are as follows:

212 S 6th Street (Bell CAD ID #36638)
310 S 6th Street (Bell CAD ID #124328)
219 S 6th Street (Bell CAD ID #68398)
307 S 6th Street (Bell CAD ID #92063)
313 E Avenue C (Bell CAD ID #30772)
301 E Avenue D (Bell CAD ID #50445)
S 6th Street (Bell CAD ID #50446);

Whereas, Staff has reached an agreement with one of the owners and recommends Council authorize the purchase of the property at the negotiated price and pay the necessary closing costs;

Whereas, Stateside has been actively negotiating with two of the owners and Staff recommends Council authorize the purchase of those properties once agreements have been reached;

Whereas, over the past six months Stateside has diligently attempted to locate the owners of the other three remaining properties, but has been unsuccessful, therefore condemnation may be necessary to resolve title issues and acquire the properties, each of which also have tax suits pending by Bell County and multiple liens by both the City and third parties;

Whereas, in the event the owners of these three remaining properties surface or the County proceeds to a tax sale, Staff recommends Council authorize the purchase of those three properties;

Whereas, funding for the purchase of the seven properties for the construction of the proposed Santa Fe Market Trail/MLK Fields Festival Grounds is available in Account No. 795-9500-531-6566, Project No. 101262; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the purchase of seven properties necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, authorizes the payment of closing costs associated with the purchases, in an amount not to exceed \$104,000, and authorizes the release of liens on two of the properties, in the amount of \$800.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of these properties and the release of these liens.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 4th day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of three easements necessary for the construction of the Charter Oak Water Line and authorizing closing costs associated with the purchases, in an amount not to exceed \$17,000.

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive. The project is necessary to replace deteriorating existing facilities and improve service to properties along the route. Phase One of the project is currently under construction and required the acquisition of easements from four property owners.

The design of Phase Two requires the acquisition of easements for water lines across 30 properties owned by 23 different property owners. Appraisals have been completed for twelve of the properties, and offers have been made to the property owners. The City has reached an agreement for the acquisition or dedication of eight of these twelve easements. On July 7, Council approved the acquisition of four easements, and on July 21, Council approved the acquisition of an additional easement. Two of the twelve easements would be dedicated with the plat of the properties that will be considered as Item #8 (Kegley Crossing Addition). Staff is seeking authorization to purchase one more of these easements and pay the necessary closing costs.

Of the remaining 18 easements, five have been dedicated with the platting of the property and thirteen appraisals are in progress. In order to expedite the acquisition process and save on appraisal costs, City Staff authorized Lone Star Right-of-Way Services to make offers to acquire six of the remaining easements now, prior to the completion of the appraisals. Just compensation was calculated by relying on the appraised values of nearby properties for which appraisals had been completed, a process authorized under Federal law for small-value acquisitions when there is sufficient available data to accurately anticipate the value. Three of these offers have been accepted. Accordingly, Staff is asking for authorization to purchase the necessary easements across the three properties.

In sum, Staff is asking for authorization to purchase the necessary easements across three properties and pay closing costs in an amount not to exceed \$17,000.

FISCAL IMPACT: Funding is available for the purchase of three easements necessary for the construction of the Charter Oak Water Line in account 520-5900-535-6110, project 100608.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHARTER OAK WATER LINE; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN AMOUNT NOT TO EXCEED \$17,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is installing a new transmission water line in southwest Temple, roughly parallel to Charter Oak Drive which is necessary to replace deteriorating existing facilities and to improve service to properties along the route - Phase One of the project is currently under construction and required the acquisition of easements from four property owners;

Whereas, the design of Phase Two requires the acquisition of easements for water lines from 30 properties owned by 23 different owners;

Whereas, appraisals have been completed for twelve of the properties and offers have been made to the property owners - Staff has reached an agreement for the acquisition or dedication of eight of the easements;

Whereas, of the remaining 18 easements, five have been dedicated through the platting process and 13 appraisals are in progress;

Whereas, currently, three of these offers have been accepted and Staff recommends Council authorize the purchase the necessary easements across the properties and pay closing costs in an amount not to exceed \$17,000;

Whereas, funding for the acquisition of the easements necessary for the construction of the Charter Oak Water Line is appropriated in Account No. 520-5900-535-6110, Project No. 100608; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the purchase of three easements necessary for the construction of the Charter Oak Water Line and authorizes closing costs associated with these purchases in an amount not to exceed \$17,000.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of these easements.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(E)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and Temple Economic Development Corporation for the conveyance of 6.934 acres of City-owned property located at the corner of Industrial Boulevard and Eberhardt Road in Temple.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has requested that the City convey to it 6.934 acres of City-owned property located at the corner of Industrial Boulevard and Eberhardt Road in Temple. The property is Lot 5, Block 2, on the attached Final Plat of Enterprise Business Park, Phase II. The property is to be used for business development purposes, which will include job creation and additional tax value. The prospective economic development on the site will be a commercial/industrial development. The conveyance of the property will be addressed through a Chapter 380 Development Agreement between the City and TEDC.

FISCAL IMPACT: At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for a commercial purpose it will be added back to the property tax rolls.

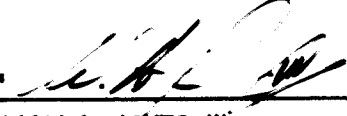
The City's cost basis for the 6.934 acre tract of land is \$60,120.07.

ATTACHMENTS:

[Plat](#)
[Resolution](#)

STATE OF TEXAS
COUNTY OF BELL

THE CITY OF TEMPLE, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS ENTERPRISE BUSINESS PARK, PHASE II, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOR EVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BY: 
WILLIAM A. JONES, III
MAYOR, CITY OF TEMPLE

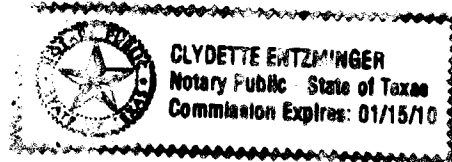


STATE OF TEXAS
COUNTY OF BELL

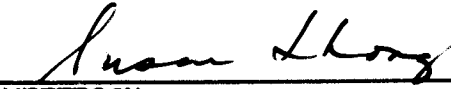
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WILLIAM A. JONES, III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 26th DAY OF April, 2006.


CLYETTE FITZMAURICE
NOTARY PUBLIC, STATE OF TEXAS



THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS 26 DAY OF April, 2006.


SUSAN LONG
CHAIRPERSON


JACK WEAVER
SECRETARY

AFFIDAVIT:

The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this 28th day of April, 2006 A.D.

By: 
TAMMIE T. SCHAEFER
Bell County Tax Appraisal District

RECORDATION INFORMATION:

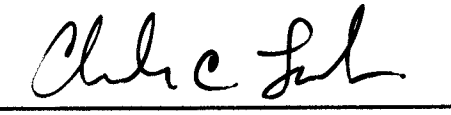
PLAT RECORDED IN CABINET D, SLIDE 112D
PLAT RECORDS OF BELL COUNTY, TEXAS

DEDICATION RECORDED IN VOLUME PAGE
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS

FILED THIS 28th DAY OF April, 2006

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT; THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.


CHARLES C. LUCKO, R.P.L.S.
DATE SURVEYED: March 9, 2006
REGISTRATION NO. 4636



FINAL PLAT OF ENTERPRISE BUSINESS PARK, PHASE II

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS,
BEING A REPLAT OF LOTS 1 THROUGH 3, BLOCK 1 AND LOT 2, BLOCK 2 OF ENTERPRISE BUSINESS PARK
AND A REPLAT OF LOT 1, BLOCK 1 OF ENTERPRISE WEST SUBDIVISION.

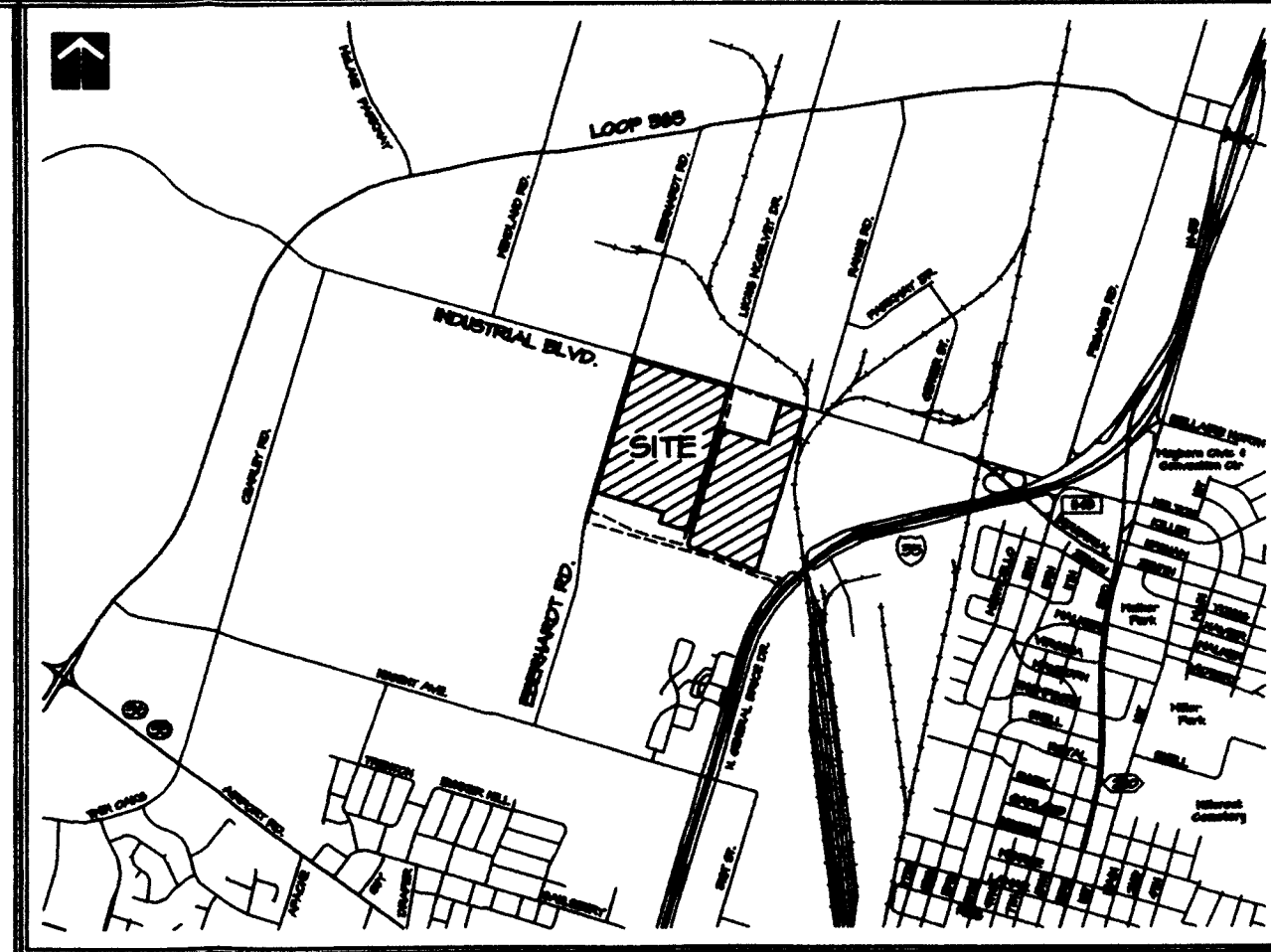
Being part of the ELIZABETH BERRY SURVEY, ABSTRACT NO. 36, in the City of Temple, Bell County, Texas, and being all of LOTS 1 through 3, BLOCK 1 and LOT 2, BLOCK 2 of ENTERPRISE BUSINESS PARK, a subdivision of record in Cabinet C, Slide 344-C of the Plat Records of Bell County, Texas, and being all of LOT 1, BLOCK 1 of ENTERPRISE WEST SUBDIVISION, a subdivision of record in Cabinet D, Slide 53-C of said Plat Records.

This Subdivision Plat is to accompany a metes and bounds description of the herein shown 114.700 acre tract.

OWNER:

The City of Temple, Texas
William A. Jones, III, Mayor

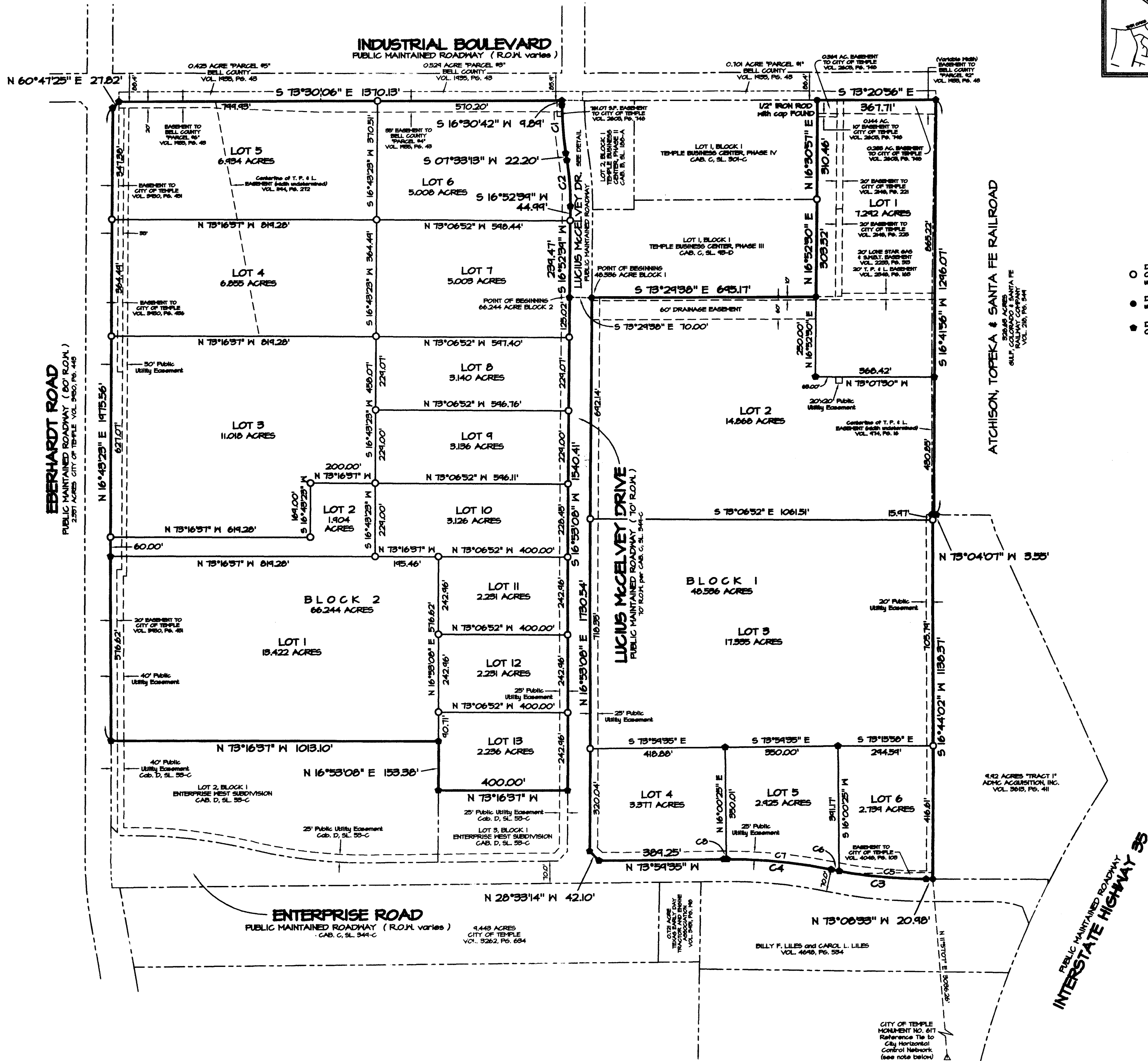
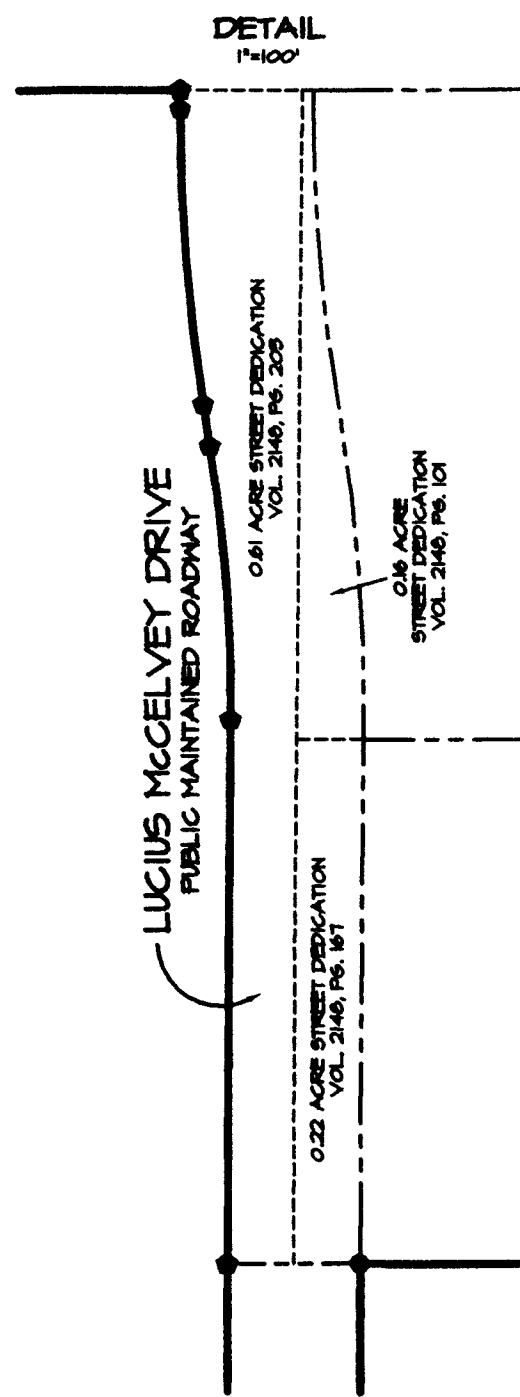
LOTS - NINETEEN (19)
BLOCKS - TWO (2)
AREA - 114.700 ACRES



VICINITY MAP



- DENOTES 5/8" IRON ROD WITH CAP MARKED "ALL COUNTY" SET UNLESS NOTED OTHERWISE
- DENOTES 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
- DENOTES 5/8" IRON ROD WITH CAP FOUND



NO.	RADIUS	DELTA	ARC	CHORD	CHORD DIR.
C1	450.00	09°16'14"	153.14	154.97	S 11°52'35" W
C2	257.43	09°36'31"	143.08	143.71	S 12°03'11" W
C3	1465.00	11°33'56"	245.73	245.23	N 67°21'35" W
C4	1535.00	12°24'54"	332.65	332.00	N 67°41'05" W

NO.	RADIUS	DELTA	ARC	CHORD	CHORD DIR.
C5	1465.00	10°34'07"	270.23	264.25	N 67°51'50" W
C6	1465.00	00°34'50"	25.50	25.50	N 62°04'31" W
C7	1555.00	12°15'47"	321.65	321.08	N 67°41'50" W
C8	1555.00	00°11'12"	5.00	5.00	N 73°53'54" W

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 480084 0002 D, dated January 3, 1995, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone C. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 617. The basic angle at City Monument No. 617 is 01°52'30". The combined correction factor (CCF) is 0.00000. Grid distance = Surface distance x CCF. Geocentric north = grid north + theta angle. Published City coordinates for City Monument No. 617 are N 10°56'46.54" E = 5,228,553.52. Reference tie from City Monument No. 617 to the southeast corner of said 46.56 acre BLOCK 1 is N 11°10'17" E = 5,056,26.56 feet.

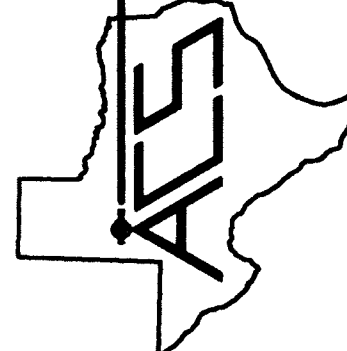
FINAL PLAT OF

ENTERPRISE BUSINESS PARK, PHASE II

WITHIN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

ALL COUNTY SURVEYING, INC.

1303 South 21st Street, Temple, Texas 76504
(254) 718-2272 FAX (254) 714-7608



Job No: 996442

Date: 3-4-06

Scale: 1" = 200'

Drawing No: 996442P

Drawn By: JMB

Plot Date: 4-6-06

Rev: 498710, 498714, 498717, 498721

Copyright 2006 All County Surveying, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF AN APPROXIMATELY 6.934 ACRE PARCEL OF CITY-OWNED LAND LOCATED AT THE CORNER OF INDUSTRIAL BOULEVARD AND EBERHARDT ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation (“TEDC”) has requested that the City convey to it approximately 6.934 acres of City-owned land located at the corner of Industrial Boulevard and Eberhardt Road, Temple, Texas;

Whereas, the property is to be used for business development purposes, which will include job creation and additional tax value;

Whereas, the prospective economic development on the site will be a commercial/industrial development and the conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC;

Whereas, at the present time, the property is exempt from property taxes, and will remain so under the ownership of TEDC - when the property is conveyed for a commercial/industrial purpose it will be added back to the property tax rolls; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with the Temple Economic Development Corporation for conveyance of an approximately 6.934 acre parcel of City-owned land located at the corner of Industrial Boulevard and Eberhardt Road in Temple, Texas and depicted on Exhibit A, which is attached hereto and incorporate herein for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(F)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Don Bond, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #2 to deduct \$90,672 from the contract with McLean Construction, Inc., of Killeen, for reconstruction of Geronimo Trail and portions of Antelope Trail, Deer Trail, and Chisholm Trail in Western Hills.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 5th, 2015, Council awarded a contract to McLean for \$4,399,999 to reconstruct the aforementioned streets in Western Hills (Map attached). A subsequent change order revised the contract amount to \$4,405,115. The attached change order represents items not used for the project and would revise the final contract amount to \$4,314,443.

The Engineer recommends approving the change order in the attached letter.

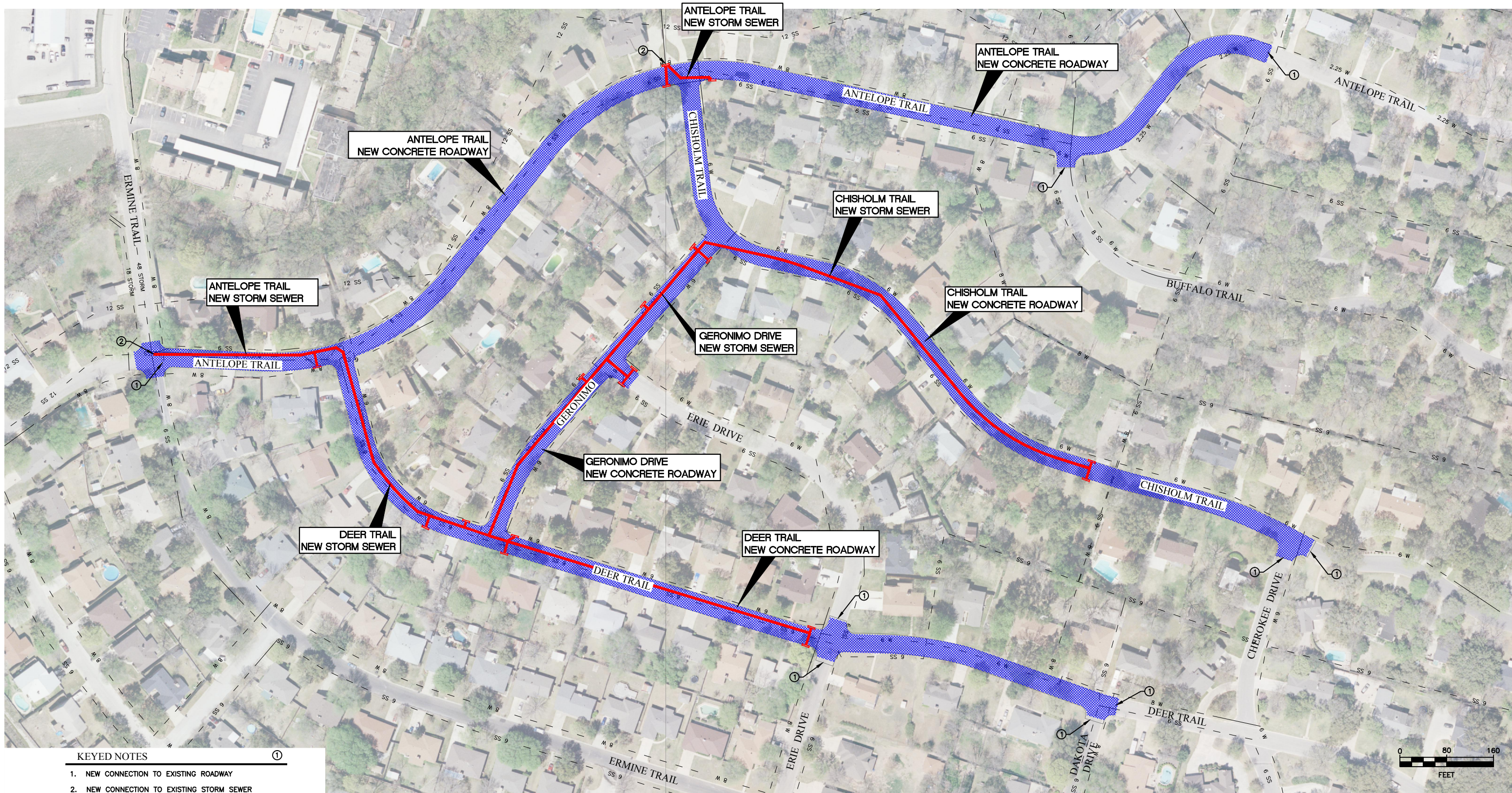
The contractor completed construction six and a half months ahead of schedule; this change order does not add additional time to the contract.

FISCAL IMPACT: Funding for the deductive Change Order with McLean Construction, Inc. will be recognized in project #100967 as follows:

	<u>365-3400-531-6858</u>	<u>561-5200-535-6950</u>	<u>Total</u>
Project Budget	\$ 4,812,760	\$ 1,993,156	\$ 6,805,916
Encumbered/Committed to Date	(4,799,793)	(1,893,366)	(6,693,159)
Deductive Change Order #2 – McLean Construction, Inc.	42,334	48,338	90,672
Remaining Project Funds	<u>\$ 55,301</u>	<u>\$ 148,128</u>	<u>\$ 203,429</u>

ATTACHMENTS:

Map
Recommendation Letter
Change Order Form
Resolution





215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

June 22, 2016

City of Temple
Don Bond, P.E.
3210 E. Ave H, Bldg A
Temple, Texas 76501

Re: 2013 Western Hills Roadway and Utility Replacement Project - Change Order 2

Dear Mr. Bond,

On June 22nd Change Order No. 2 was submitted for 2013 Western Hills Roadway and Utility Replacement Project. The amount of Change Order No. 2 is in the amount of (\$90,672.00). This will authorize the return of these funds to the City of Temple for the following items not used during construction.

DEDUCT Antelope Trail

Item #4: Contingency to relocate existing utilities – This was a contingency item included with the project to cover the cost of relocating any existing third party utilities which were found in conflict with the new roadway and storm sewer construction. This was to be used on an as needed basis.

Item #20: 24" RCP 45 degree bend and Item #24: Connection to existing storm sewer - Due to existing field conditions and construction methodology, these items were not needed for construction and were removed from the scope of work.

DEDUCT Deer Trail

Item #4: Contingency to relocate existing utilities – This was a contingency item included with the project to cover the cost of relocating any existing third party utilities which were found in conflict with the new roadway and storm sewer construction. This was to be used on an as needed basis.

Item #19: 36" RCP 45 degree bend - Due to existing field conditions, this item was not needed for construction and was removed from the scope of work.

Item #26: New 4" sanitary sewer service and connection and Item #27: Miscellaneous 4" PVC sanitary sewer service pipe – These were contingency items to cover the cost of relocating any existing sanitary sewer services, which were constructed in 2008, if found in conflict with the new storm sewer construction. Only a portion of these items was used.

DEDUCT Geronimo Trail

Item #4: Contingency to relocate existing utilities – This was a contingency item included with the project to cover the cost of relocating any existing third party utilities which were found in conflict with the new roadway and storm sewer construction. This was to be used on an as needed basis.

DEDUCT Chisholm Trail

Item #4: Contingency to relocate existing utilities – This was a contingency item included with the project to cover the cost of relocating any existing third party utilities which were found in conflict with the new roadway and storm sewer construction. This was to be used on an as needed basis.

It is the engineer's opinion to authorize this change order. The project has been completed and accepted by the City at this time.

Sincerely,



Monty Clark, P.E., CPESC



CHANGE ORDER

PROJECT: 2013 Western Hills Roadway and Utility Replacement Project

OWNER: City of Temple

CONTRACTOR: McLean Construction, Inc.

ENGINEER: Clark & Fuller, PLLC

CHANGE ORDER #: TWO (2)


Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ITEM #:		LUMP SUM AMOUNT:
<u>Deduct Antelope Trail:</u>		
Item #4	LS - Contingency to relocate existing utilities	(\$ 12,000.00)
Item #20	1 EA - 24" RCP 45 degree bend	(\$ 1,898.00)
Item #24	1 EA - Connection to existing storm sewer	(\$ 2,295.00)
<u>Deduct Deer Trail:</u>		
Item #4	LS - Contingency to relocate existing utilities	(\$ 8,350.00)
Item #19	1 EA - 36" RCP 45 degree bend	(\$ 2,791.00)
Item #26	16 EA - New 4" Sanitary Sewer service and connection	(\$ 25,936.00)
Item #27	460 LF - Miscellaneous 4" PVC Sanitary Sewer service pipe	(\$ 22,402.00)
<u>Deduct Geronimo Trail:</u>		
Item #4	LS - Contingency to relocate existing utilities	(\$ 5,000.00)
<u>Deduct Chisholm Trail:</u>		
Item #4	LS - Contingency to relocate existing utilities	(\$ 10,000.00)
Total Deduct:		(\$ 90,672.00)
Total Lump Sum Amount:		(\$ 90,672.00)


The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount:	\$ 4,399,999.00
Previous Net Change in Contract Amount:	\$ 5,116.00
Net Change in Contract Amount:	\$ (90,672.00)
Revised Contract Amount:	\$ 4,314,443.00
Original Contract Time:	560 Days
Previous Net Change in Contract Time:	0 Days
Net Change in Contract Time:	0 Days
Revised Contract Time:	0 Days
Original Final Completion Date:	12-16-2016
Revised Final Completion Date:	

Recommended by:

 JUNE 22, 2016
Project Manager (City Staff) Date

Recommended by:

 6.21.16
Architect/Engineer Date

Agreed to:

 21 JUN 16
Contractor Date

Approved by City of Temple:

Jonathan Graham, City Manager Date

Approved as to form:

Approved by Finance Department:

City Attorney's Office Date

Finance Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2, IN THE AMOUNT OF \$90,672, TO THE CONTRACT WITH MCLEAN CONSTRUCTION, INC. OF KILLEEN, TEXAS FOR RECONSTRUCTION OF GERONIMO TRAIL AND PORTIONS OF ANTELOPE TRAIL, DEER TRAIL AND CHISHOLM TRAIL IN WESTERN HILLS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 5, 2015, Council awarded a contract to McLean Construction, Inc. for construction activities required to reconstruct the streets in Western Hills in the amount of \$4,399,999.00;

Whereas, a subsequent change order revised the contract amount to \$4,405,115 and Staff recommends Council authorize change order number 2 in the amount of \$90,672 which represents items not used for the project – this change order will revise the final contract amount to \$4,314,443;

Whereas, funding for this deductive change order will be recognized in Account Nos. 365-3400-531-6858 and 561-5200-535-6950, Project No. 100967; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute change order number 2, in the amount of \$90,672, to the contract with McLean Construction, Inc. of Killeen, Texas, for reconstruction of Geronimo Trail and portions of Antelope Trail, Deer Trail and Chisholm Trail in Western Hills.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 18th day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order to the construction contract with James Construction Group, LLC in an amount not to exceed \$405,000, for construction activities on NW Loop 363.

STAFF RECOMMENDATION: Adopt resolution as discussed in item description.

ITEM SUMMARY: The City and TxDOT negotiated an agreement under the Pass-Through Program for the NW Loop 363 expansion project from FM 2305/West Adams north up to the BNSF main line. On September 16, 2010, Council authorized a pass through financing agreement with TxDOT for these improvements. On September 30, 2010, TxDOT authorized approval of the agreement. General terms and conditions of the agreement were presented to council on September 16, 2010.

On May 24, 2012, Council authorized a construction contract with James Construction in the amount of \$39,883,619.28 for expansion of the NW Loop 363. Two change orders, change order #40 and change order #41, currently require council authorization. Change order #40 covers costs associated with intersection enhancements at both Lucius McCelvey and Industrial, including regrading back slopes, reworking embankments, installing riprap, and improving sight visibility at both interchanges. Relocation of an illumination pole at each site is also included. Change order #41 covers costs associated with final work to address punch list items from TxDOT, including pavement repair, inlet adjustment, and additional rip rap and erosion control in certain locations.

The engineer and staff recommend approving these change orders as presented.

FISCAL IMPACT: A budget adjustment is being presented to Council in the amount of \$63,898 reallocating funding from remaining Pass –Through Financing funds. Upon approval of the budget adjustment, funding for the change order with James Construction Group, LLC in a not to exceed amount of \$405,000 will be appropriated in account 261-3400-531-2588, project #100681 as follows:

Project Budget	\$ 46,028,151
Budget Adjustment Presented for Approval	63,898
Encumbered/Committed to Date	(45,687,049)
Change Order - James Construction	(405,000)
Remaining Project Funds	\$ -

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2016

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.
Adjustments should be rounded to the nearest \$1.

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
261-3400-531-25-88	100681	Northwest Loop 363 Improvements	\$ 63,898			
261-0000-315-11-16		Reserved for Future Exp-Fund Balance			\$ 63,898	
		DO NOT POST				
TOTAL.....			\$ 63,898		\$ 63,898	

EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available.

To appropriate unallocated PTF Bond proceeds to fund the additional amount needed for the change order on NW Loop 363 to James Construction Group, LLC, in an amount not to exceed \$405,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

8/18/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER, IN AN AMOUNT NOT TO EXCEED \$405,000, TO THE CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC, FOR CONSTRUCTION ACTIVITIES ON NORTHWEST LOOP 363; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City and TxDOT negotiated an agreement under the Pass-Through Program for the Northwest Loop 363 expansion project from FM 2305/West Adams north up to the BNSF main line;

Whereas, on September 16, 2010, Council authorized a pass through financing agreement with TxDOT for these improvements and on September 30, 2010, TxDOT authorized approval of the agreement;

Whereas, on May 24, 2012, Council authorized a construction contract with James Construction Group, LLC for expansion of the Northwest Loop 363 and Staff recommends Council authorize a change order which is necessary to cover costs associated with intersection enhancements at both Lucius McCelvey and Industrial, as well as costs associated with final work to address punch list items from TxDOT;

Whereas, funds are available for this project, but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds from the remaining Pass-Through Financing fund in to Account No. 261-3400-531-2588, Project No. 100681; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a change order in an amount not to exceed \$405,000 to the construction contract with James Construction Group, LLC, for construction activities on Northwest Loop 363.

Part 2: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #5(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving third quarter financial results for Fiscal Year 2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item will present in detail the third quarter ending June 30, 2016, for the General, Water & Sewer, Hotel/Motel Tax, and Drainage Funds.

Included with these third quarter results will be various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones.

The third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2016.

FISCAL IMPACT: N/A

ATTACHMENTS:

Quarterly Financial Statements – to be provided

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING THE THIRD QUARTER FINANCIAL RESULTS FOR
FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Director of Finance has prepared the third quarter 2016 fiscal year financial results which details the third quarter ending June 30, 2016, for the General, Water & Sewer, Hotel/Motel Tax and Drainage funds;

Whereas, included in the third quarter results are various schedules detailing grants, sales tax, capital projects, investments and an update on redevelopment grants and incentive programs within the Strategic Investment Zones;

Whereas, the third quarter financial statements also include a forecast of year-end financial results for the General Fund as of September 30, 2016; and

Whereas, the City Council deems it in the public interest to approve the third quarter financial results for the fiscal year 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council approves the third quarter 2016 fiscal year financial results, more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

08/18/16
Item #6
Regular Agenda
Page 1 of 2

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - X-FY-16-10: Consider adopting an ordinance authorizing the annexation of a 2.149 acre part or portion of existing right-of-way of Dubose Road, situated in the William Frazier Survey, Abstract No. 310, Bell County, Texas, and located adjacent to the Valley Ranch subdivision.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented on first reading with second and final reading set for Thursday, September 1, 2016 at 5:00 PM in the City Council Chambers.

ITEM SUMMARY: Bell County Judge, Jon Burrows, on behalf of Bell County, filed a request on May 6, 2016 that the city annex 2.149 acres into the City of Temple, being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Drawing) of the annexation.

The proposed annexation meets the width requirements in Section 43.054 of the Local Government Code for annexation of a publicly or private owned strip of area following the course of a road. The minimum width of 1,000 feet at the narrowest point does not apply when the strip is contiguous to the annexing municipality's boundaries on two sides. The strip proposed to be annexed is contiguous to Temple's current city limits on three sides. The subject property is within the City of Temple City Council Election District Number 3.

Pursuant to Chapter 43 of the Local Government Code, the city has completed the following steps during the annexation process:

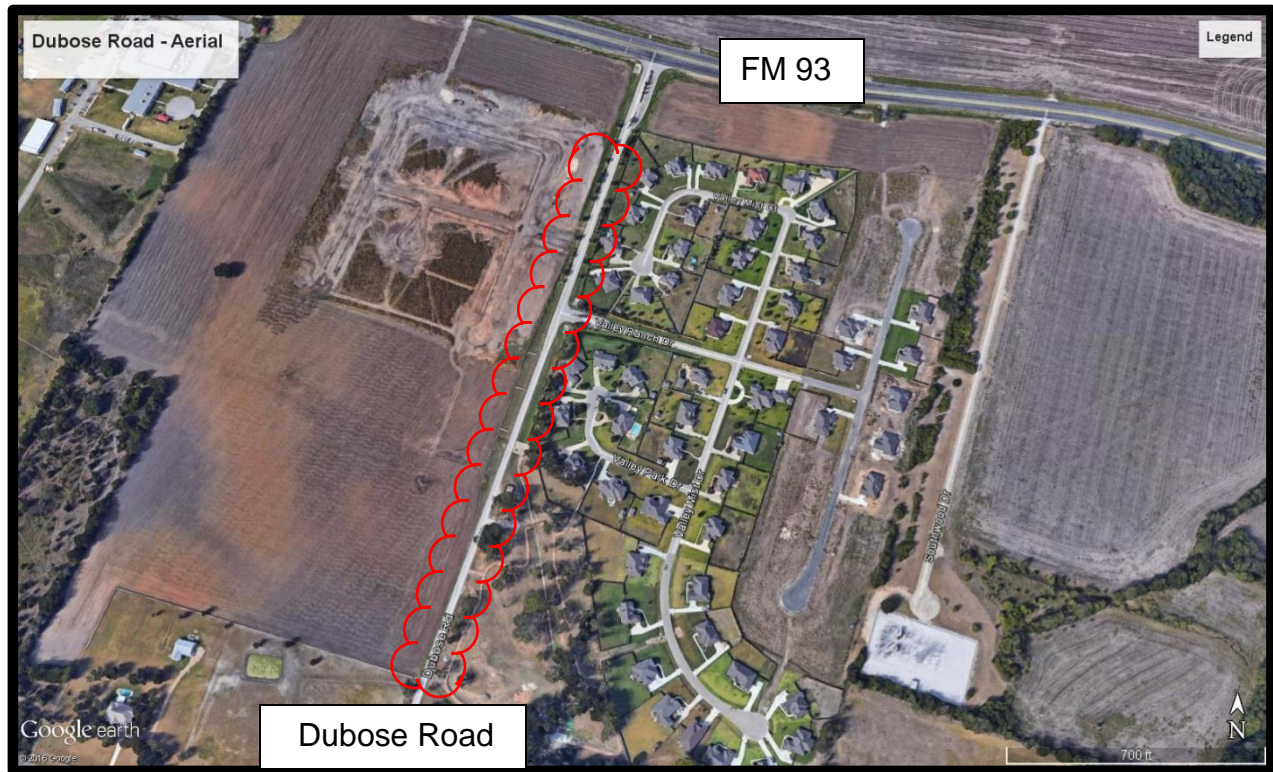
1. June 2, 2016 - City Council adopted Resolution 2016-8176-R to direct staff to develop the Municipal Service Plan
2. July 21, 2016 - Municipal Service Plan Public Hearing #1
3. July 22, 2016 - Municipal Service Plan Public Hearing #2

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 2.149 +/- acre portion of the existing right of way of Dubose Road. Public Works has evaluated the section of road and determined that the road is not in need of major maintenance at this time.

ATTACHMENTS:

Aerial & Street View Photos
Vicinity Map
Municipal Service Plan
Field Notes of Proposed Annexation Area (Exhibit A)
Survey of Proposed Annexation Area (Exhibit B)
Voluntary Annexation Schedule
Letter of Request from Bell County Judge Jon Burrows
Ordinance

Aerial & Street View Photos



Aerial: Google Earth Image



Street View: Google Earth Image of Dubose Road



Dubose Road Annexation

Approx. 2.149 Acres

0 125 250 500 Feet

- Annexation Area
- City Limits
- Parcels

DISCLAIMER:
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
DUBOSE ROAD

For a 2.149 acre part or portion of existing right-of-way of Dubose Road, a publically maintained roadway, located adjacent to the Valley Ranch subdivision abutting the city limits boundary situated in the William Frazier Survey, Abstract No. 310, Bell County, Texas and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2016-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2016.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 2.149 acre tract situated in the WILLIAM FRAZIER SURVEY, ABSTRACT No. 310, Bell County, Texas and being a part or portion of the existing right-of-way of Dubose Road (a publicly maintained roadway), being partially described in the map or plat of Valley Ranch Addition, Phase I, an addition to the City of Temple, Bell County, Texas being of record in Cabinet D, Slide 21-A, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found being the southeast corner of that certain 44.234 acre tract of land described as TRACT 3 in a Special Warranty Deed dated October 14, 2004 from J & B Holdings, Ltd., a Texas limited partnership to Lexington Holdings, Ltd., a Texas limited partnership and being of record in Volume 5572, Page 849, Official Public Records of Bell County, Texas and being the northeast corner of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated January 8, 1998 from Thomas Jackson Wicker, also known as Tom Wicker, and wife, Sandra Kay Wicker to Gary Alan Pauer and wife, Deyette M. Pauer and being of record in Volume 3728, Page 298, Official Public Records of Bell County, Texas and being in the west right-of-way line of Dubose Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE N. 14° 13' 56" E., 1654.73 feet departing the said 5.000 acre tract and with the east boundary line of the said 44.234 acre tract (calls S. 17° 14' 22" W., 2133.14 feet) and part way with the east boundary line of that certain 16.206 acre tract of land described as Valley Ranch Addition, Phase III according to the map or plat of record in Year 2015, Plat No. 20, Plat Records of Bell County, Texas (calls S. 14° 13' 48" W., 818.15 feet) and part way with the west boundary line of the said Valley Ranch Addition, Phase I (calls N. 14° 13' 38" E., 1015.16 feet) and with the said west right-of-way line of Dubose Road to a ½" iron rod with cap stamped "RPLS 2475" set being in the east boundary line of Lot 2, Block 1, said Valley Ranch, Phase III and being in the west boundary line of the said Valley Ranch subdivision for corner;

THENCE S. 74° 30' 03" E., 56.59 feet departing the said Valley Ranch Addition, Phase III and the said west boundary line and the said west right-of-way line and over and across the said Valley Ranch Addition, Phase I to a ½" iron rod with cap stamped "RPLS 2475" set being in the east right-of-way line of the said Dubose Road and being in the west boundary line of Lot 11, Block 2, said Valley Ranch Addition, Phase I from which a ½" iron rod found at the northwest corner of the said Lot 11, Block 2 bears N. 14° 12' 33" E., 41.07 feet for corner;

THENCE S. 14° 12' 33" W., 117.01 feet with the said east right-of-way line and with the west boundary line of the said Lot 11, Block 2 (calls N. 14° 13' 38" E., 158.21 feet) to a ½" iron rod found being the southwest corner of the said Lot 11 and being the northwest corner of Lot 10, said Block 2 for corner;

THENCE S. 14° 14' 10" W., 183.73 feet departing the said Lot 11 and with the west boundary line of the said Lot 10 (calls N. 14° 13' 38" E., 183.82 feet) and continuing with the said east right-of-way line to a ½" iron rod with cap stamped "WALLACE" found being the southwest corner of the said Lot 10 and being the northwest corner of Lot 9, said Block 2 for corner;

THENCE S. 14° 14' 24" W., 235.30 feet departing the said Lot 10 and with the west boundary line of the said Lot 9 and continuing over and across the right-of-way of Valley Ranch Drive as described in said plat of Valley Ranch Addition, Phase I and continuing with the west boundary line of Lot 64, Block 2, said Valley Ranch Addition, Phase I and continuing with the said east right-of-way line of Dubose Road to a ½" iron rod found being an angle point in the west boundary line of the said Valley Ranch Addition, Phase I for corner;

10771

THENCE S. 14° 13' 51" W., 341.11 feet with the west boundary line of the said Valley Ranch Addition, Phase I (calls N. 14° 13' 38" E., 1255.79 feet) with the west boundary line of the said Lot 64 (calls N. 14° 13' 38" E., 225.92 feet) and continuing with the west boundary line of Lot 63, said Block 2 (calls N. 14° 13' 38" E., 140.28 feet) and continuing with the said east right-of-way line to a ½" iron rod with cap stamped "WALLACE" found being the most westerly southwest corner of the said Lot 63 and being the northwest corner of that certain 1.133 acre tract of land described as TRACT "A" in said plat of Valley Ranch Addition, Phase I for corner;

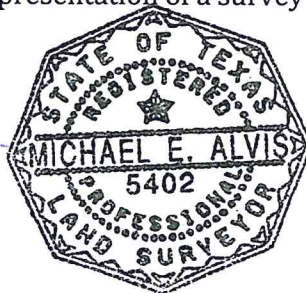
THENCE S. 14° 13' 51" W., 776.24 feet departing the said Lot 63 and with the west boundary line of the said TRACT "A" (calls N. 14° 13' 38" E., 307.89 feet and continuing with the west boundary line of that certain 6.668 acre tract of land described as TRACT "B" in said plat of Valley Ranch Addition, Phase I (calls N. 14° 13' 38" E., 806.70 feet) and continuing with the said east right-of-way line and the said west boundary line of Valley Ranch Addition, Phase I to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE N. 75° 51' 26" W., 56.61 feet departing the said Valley Ranch Addition, Phase I and the said TRACT "B" and the said east right-of-way line and over and across the said right-of-way of Dubose Road to the Point of BEGINNING and containing 2.149 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402
April 22, 2016



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 141

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 27"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE X = 3,212,989.81 Y = 10,354,042.98

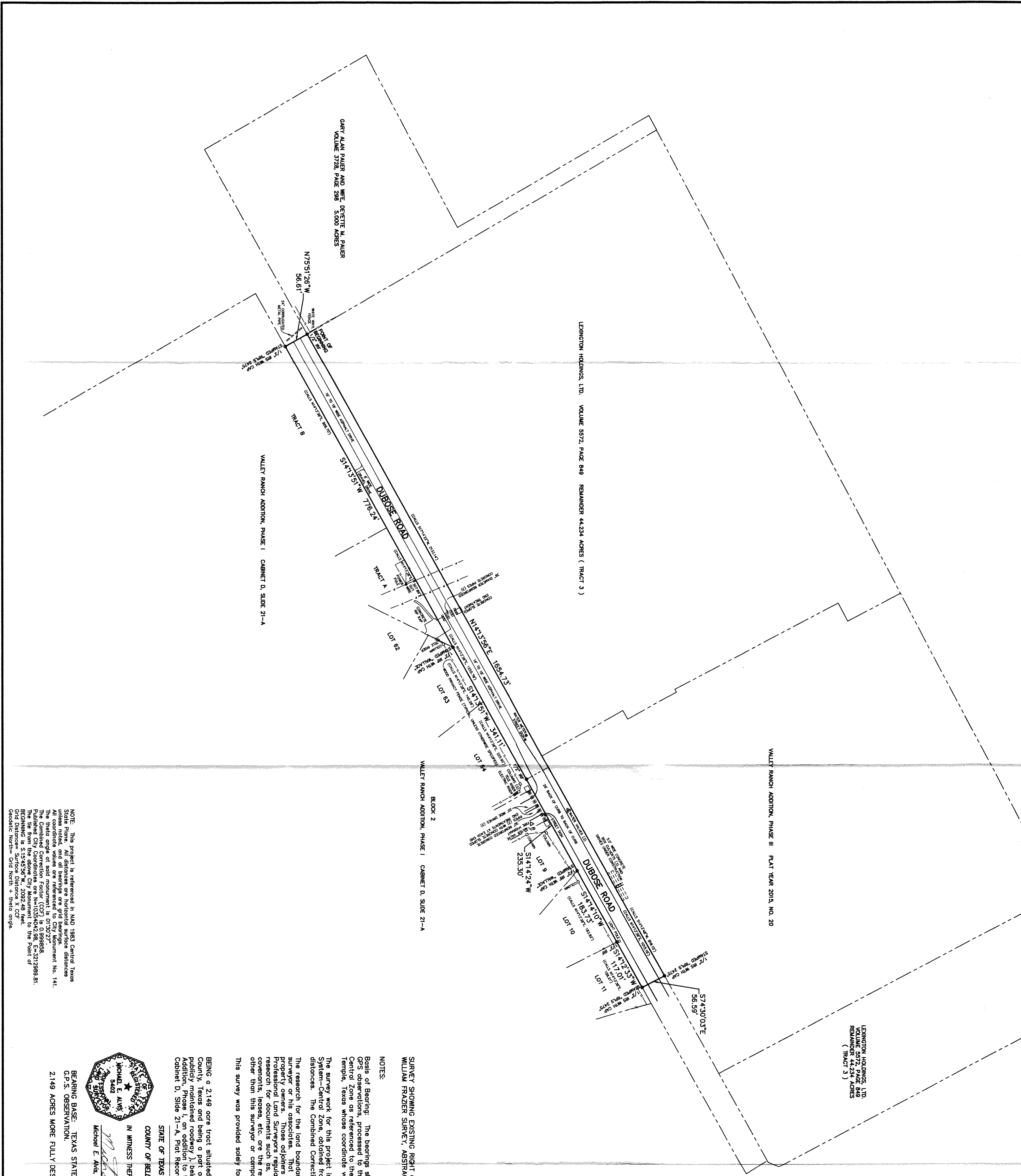
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS

S. 15° 45' 56" W., 2092.48 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGL

EXHIBIT A



NOTE: This project is referenced in NAD 1983 Central Texas State Plane. All distances are horizontal surface distances unless noted, and all bearings are grid bearings. The true angle of said monument is 0.730227. The Combined Correction Factor (CCF) is 0.9988574. Published City Coordinates are N=10354042.98, E=3212893.81. BEGINNING is S15°45'26" W, 2002.48 feet to the Point of Beginning. Grid Distance= Surface Distance X CCF. Geodetic North= Grid North + true angle.

STATE OF TEXAS: I, MICHAEL E. ALMS, a duly Licensed Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the property described herein and is correct.

IN WITNESS WHEREOF, my hand and seal, this the 22nd day of April, 2016.

MICHAEL E. ALMS, R.P.L.S. #5402

BEARING BASE: TEXAS STATE PLANE COORDINATE SYSTEM (NAD 1983) AS DETERMINED BY G.P.S. OBSERVATION.

2.149 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FIELD NOTES.

NOTES:

Basis of Bearing: The bearings shown hereon are related to Geodetic or True North based on GPS observations, processed to the NGS "CORES" Base Station at TCTX of Temple College in Temple, Texas whose coordinate value is N=10,566,800.419 E=3,229,850.945.

The survey work for this project is on Grid Coordinates (NAD83). Texas Coordinate System—Central Zone, published from GPS observations. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9988574.

The research for the land boundary property line of these tracts has been provided by this surveyor or his associates. That research includes the names and references to the adjoining property owners. Those adjoining referenced are for compliance to the Texas Board of Professional Land Surveyors regulations, and are shown for information purposes only. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc., are the responsibility of the client's Title Company or other third parties other than this surveyor or company.

This survey was provided solely for the use of Bell County, Engineers.

SURVEY SHOWING EXISTING RIGHT OF WAY OVER PART OF DUBOSE ROAD, BEING PART OF THE WILLIAM FRAZIER SURVEY, ABSTRACT NO. 310, IN BELL COUNTY, TEXAS.

Exhibit B

RECEIVED
MAY - 4 2016
City of Temple
Planning & Development

REVISIONS
DATE DESCRIPTION DETER

DRAFTSMAN
DATE
COMPUTER FILE NAME
REFERENCE DRAWING NUMBERS

JOB NUMBER
DRAWING NUMBER
PAGE #
OF 01

SURVEY OF:
2.149 ACRES
WILLIAM FRAZIER SURVEY, ABSTRACT NO. 310
BELL COUNTY, TEXAS
PREPARED FOR:
BELL COUNTY ENGINEER
P.O. BOX 264
BELTON, TEXAS 76513

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
TEMPLE, TEXAS 76501
SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658
254.773.2400
fax 254.773.3998

THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES, INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION REPRODUCED HEREON IS NOT TO BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES, INC.

SCHEDULE

Annexation of Dubose Road Right-of-Way

DATE	ACTION	TIME LIMIT/NOTES
06-02-16	COUNCIL ADOPTS RESOLUTION 1. Granting the petition 2. Directing staff to develop service plans 3. Setting dates, times, places for public hearings	1. After the 5 th day, but on or before the 30 th day after the date the petition is filed, Council must grant or refuse petition. § 43.028(d) 2. Before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
06-20-16	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads (N/A—no RR ROW in area) <i>31st day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
07-03-16	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c) LGC
07-05-16	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>16th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
07-13-16	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 20 days after publication of notice. § 43.052(b) LGC
07-21-16 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
07-22-16 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
08-18-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
09-01-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2ND READING <i>14th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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Bell County, Texas

POST OFFICE BOX 768 / BELTON, TEXAS 76513-0768 / TELEPHONE (254) 933-5105 / FAX (254) 933-5179

COUNTY JUDGE JON H. BURROWS

May 2, 2016

Mr. Jonathan Graham
City Manager, City of Temple
2 N. Main Street, Suite 306
Temple, Texas 76501

RE: Dubose Road Right-of-Way Annexation

Mr. Graham,

The Bell County Commissioners' Court of the State of Texas, respectfully requests that the City of Temple take the appropriate actions to initiate the annexation of a portion of the Dubose Road Right-of-Way as described and shown in the attached survey exhibits provided by Bell County.

The portion of existing Dubose Road Right-of-Way being proposed for annexation is less the 1000' feet in width, contains 2.149 acres of land, and is contiguous on three (3) sides to the current city limits of the City of Temple.

Thank you for your consideration regarding this matter.

Sincerely,


Jon H. Burrows
Bell County Judge

Cc- Mr. Brian Chandler, Planning Director
Cc- Ms. Trudi Dill, Deputy City Attorney

RECEIVED

MAY - 4 2016

City of Temple
Planning & Development

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 2.149 ACRES OF EXISTING RIGHT-OF-WAY OF DUBOSE ROAD, SITUATED IN THE WILLIAM FRAZIER SURVEY, ABSTRACT NO. 310, BELL COUNTY, TEXAS, AND LOCATED ADJACENT TO THE VALLEY RANCH SUBDIVISION; APPROVING A MUNICIPAL SERVICE PLAN; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code and the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 2.149 acres of existing right-of-way of Dubose Road, situated in the William Frazier Survey, Abstract No. 310, Bell County, Texas, and located adjacent to the Valley Ranch subdivision, described in Exhibit 'A' attached hereto, is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 3.

Part 7: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 8: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 9: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 10: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2016.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Code of Ordinances, Chapter 15, “Garbage, Refuse, and Recycling.”

STAFF RECOMMENDATION: Conduct a public hearing, and adopt ordinance as presented in item description on first reading, with second and final reading set for September 1, 2106.

ITEM SUMMARY: Chapter 15, Section 15-10 of the Code of Ordinances currently reads as follows:

Section 15-10. Collection by City Generally; Private Collection of Brush, Etc.

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

Section 15-10 states that the City is the sole provider of residential and commercial solid waste services. The section makes one exception and allows for the private collection of brush, shrubs, leaves, grass and tree trimmings. After several discussions with the City Council, Staff is now proposing to amend the language of Section 15-10 to add another exception to allow for the private collection and hauling of residential construction waste. The proposed amendment to Section 15-10 is set forth below:

Section 15-10. Collection by City Generally; Private Collection of Brush and Construction Waste

- (a) The collection of garbage in the City is the responsibility of the Solid Waste Division, the employees of which will make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter.

(b) It is unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, through a franchise agreement with the City. Such agreement will provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection will be regulated by the City Council by resolution.

(c) The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise is allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the Director of Solid Waste Services and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

(d) The private collection and hauling of construction waste is allowed, notwithstanding the provisions of this section. For the purposes of this Chapter, "construction waste" means construction or demolition debris, litter, garbage, rubbish, refuse, trash, and/or solid waste or materials generated by residential construction activities. Entities engaged in the hauling of construction waste, pursuant to this subsection, must register their businesses with the Director of Solid Waste Services. All construction waste collected in the City must be hauled to the City's landfill or other site designated by the Director of Solid Waste Services.

(1) Construction waste hauling is only allowed in the City pursuant to subsection (d) if the person, firm or corporation is providing construction waste hauling services on residential construction sites at which the person, firm or corporation is also performing job site cleaning, which includes, but is not limited to, cleanup of construction sites for new residential construction, demolition and cleanup of existing residential structures, and landscaping, grading or tractor services.

This amendment is intended to have limited applicability to companies that provide a variety of construction site services to residential homebuilders. Primarily, the proposed exception in 15-10(d) would apply to those companies providing site cleaning and waste hauling services to residential homebuilders.

Staff also recommends adding a definition of "City Landfill" to Section 15-1. The proposed amendment would read as follows:

"City Landfill" or "Landfill" as used herein, means the City's waste disposal facility located at 706 Landfill Road, Temple, Texas 76501.

FISCAL IMPACT: None

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2016-4797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 15, "GARBAGE, REFUSE, AND RECYCLING" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 15, Section 15-10 of the Code of Ordinances currently reads as follows:

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

Whereas, Section 15-10 states that the City is the sole provider of residential and commercial solid waste services and makes one exception to allow for the private collection of brush, shrubs, leaves, grass and tree trimmings;

Whereas, after several discussions with the City Council, Staff is now proposing to amend the language of Section 15-10 to add another exception to allow for the private collection and hauling of residential construction waste;

Whereas, the proposed amendments define "construction waste" as construction or demolition debris, litter, garbage, rubbish, refuse, trash, and/or solid waste or materials generated by residential construction activities – the proposed amendments would allow the private collection and hauling of such waste upon registration with the Director of Solid Waste Services;

Whereas, the proposed amendments also include a definition of "City Landfill" which would refer to the City's waste disposal facility located at 706 Landfill Road, Temple, Texas 76501;

Whereas, Staff recommends approval of the proposed amendments to Chapter 15 of the Code of Ordinances of the City of Temple; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council amends Chapter 15, “Garbage, Refuse and Recycling” of the Code of Ordinances of the City of Temple, Texas, as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 5: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **18th** day of **August**, 2016.

PASSED AND APPROVED on Second Reading on the **1st** day of **September**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #8
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: P-FY-16-23: Consider adopting a resolution approving the Final Plat of Kegley Crossing Addition, a 6.97 +/- acre, 6-lot, 2-block nonresidential subdivision, with a requested exception to Unified Development Code Section 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial across Block 1, Lots 2 through 5, situated in the NANCY CHANCE SURVEY, Abstract No. 5, situated in the City of Temple, in Bell County, Texas, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.



PLANNING AND ZONING COMMISSION RECOMMENDATION: At its July 18, 2016, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the Final Plat of Kegley Crossing Addition, with the applicant's requested exception to Unified Development Code (U.D.C.) Section 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial across Block 1, Lots 2 through 5.

STAFF RECOMMENDATION: Staff recommends approval of the Final Plat of Kegley Crossing Addition and the applicant's requested exception to Unified Development Code (U.D.C.) Section 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial across Block 1, Lots 2 through 5.

ITEM SUMMARY: The Development Review Committee (DRC) reviewed the Final Plat of Kegley Crossing Addition on March 7, 2016 and July 7, 2016. It was deemed administratively complete on July 13, 2016.

The Final Plat of Kegley Crossing Addition is a 6-lot, 2-block nonresidential subdivision, located between Kegley Lane and South Kegley Drive, north of Charter Oak Drive. The existing FedEx business is located on proposed Lots 1 and 2 of Block 1.

City Council will be the final plat authority since **the applicant requests an exception to Unified Development Code Section 8.5.2: Internal Streets**, regarding Poison Oak's future minor arterial extension across proposed Block 1, Lots 2 through 5, according to the City of Temple Thoroughfare Plan. Please see the applicant's attached 'alternate route' exhibit and letter of requested exception.

The Thoroughfare Plan shows Poison Oaks's proposed minor arterial extension across proposed Block 1, Lots 2 through 5. Arterial streets require rights-of-way widths of 70 feet and street widths of 49 feet (measured back of curb to back of curb), per U.D.C. Section 8.2: Design Standards.

DRC Staff supports the applicant's requested exception since it appears the location of the proposed extension of Poison Oak's minor arterial alignment may change on the Thoroughfare Plan to reflect a more feasible east/west connection. That change in alignment requires additional analysis and would require an amendment to the Thoroughfare Plan in the future. The anticipated City Council meeting for this plat is August 18, 2016.

Kegley Lane, a local street, borders the west edge of the proposed plat boundary. The plat reflects dedication of 0.12 acres of street right-of-way along Kegley Lane to bring it into compliance with a 50-foot right-of-way requirement for local streets, per UDC Section 8.2. **Kegley Road** separates Blocks 1 and 2. The Thoroughfare Plan designates Kegley Road a collector street and UDC Section 8.2 requires a 4-foot wide sidewalk with accessible crossing along one side of street.

Although UDC Section 8.2 requires a 4-foot wide sidewalk on one side of a collector, such as Kegley Road, a larger sidewalk width will be required along Kegley Road. The sidewalk required along Kegley Road, will function as part of the City's overall trail system as outlined in the Citywide Trails Master Plan. This trail shall be 6-feet to 8-feet in width. Upsizing of the sidewalk may be achieved with participation by the City.

Water services are available to the site through existing 6-inch water lines within the rights-of-way of Kegley Lane and Kegley Road. A 30-inch water line runs south of the plat boundaries along the Burlington Northern & Santa Fe Railroad right-of-way. Sewer services are available through 8-inch sanitary sewer lines within the Kegley Road right-of-way.

Since this is a nonresidential plat, no park fees are required or requested for this plat.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

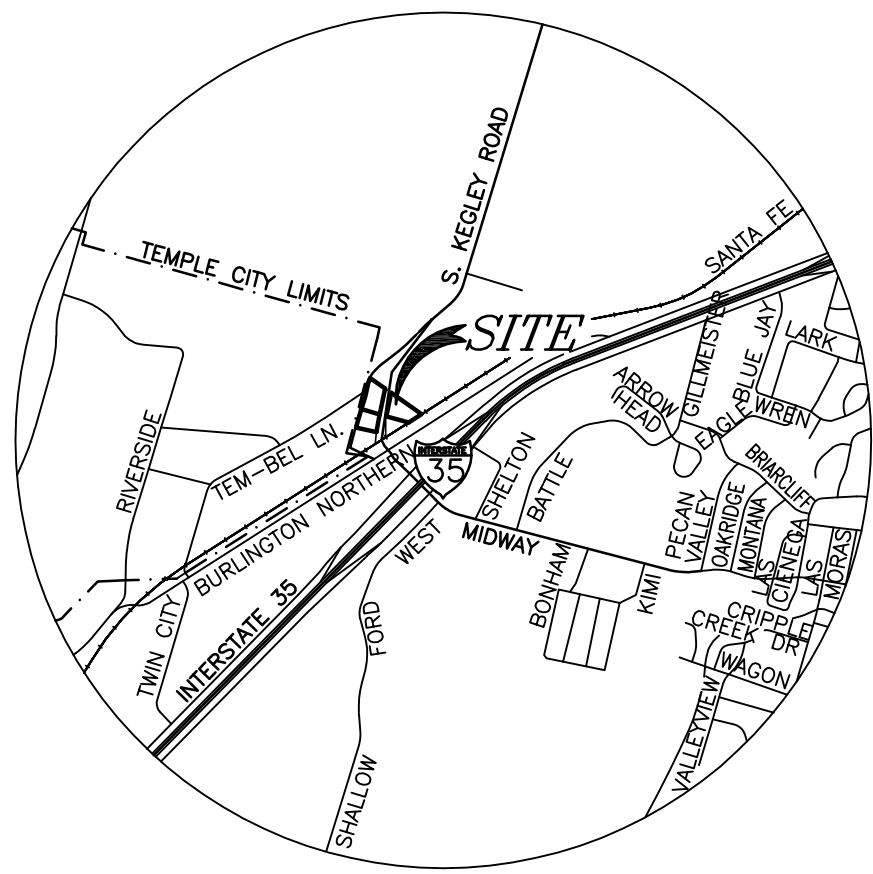
[Final Plat](#)

[Utility Sheet](#)

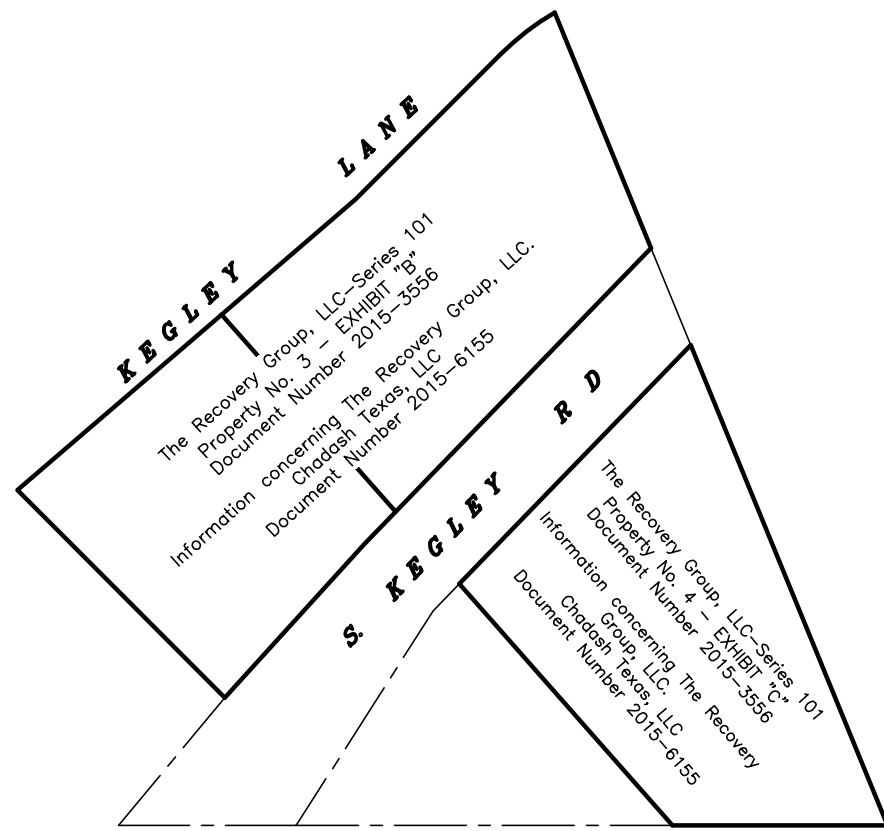
[Letter of Requested Exception](#)

[Applicant's Alternate Route Exhibit](#)

[Resolution](#)



Vicinity Map
SCALE: Not to Scale



PREVIOUS TRACT CONFIGURATION

NOTES:

See attached Field Notes

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTY" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998660.

A Horizontal tie to the City of Temple Control Monument Number 122 from the Point of Beginning is S14°49'05"E 1595.90' (Surface Distance). Monument No. 122 is a aluminum disc monument with a center punch at the east edge of pavement of the north bound frontage road approximate 300' northeast of exit ramp for Midway Drive. Published coordinates for the City of Temple Monument Number 122 are N=10,367,918.25, E=3,210,425.21

The called theta angle at the City of Temple Monument No. 122 is 1°30'14" Combined Correction Factor (CCF) is 0.999857.

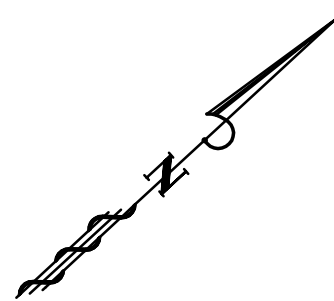
This tract appears within Zone X of the "Special Flood Hazard Area" as per F.E.M.A. Federal Insurance Administration Map Number 4802700335E, effective date September 26, 2008. This statement does not imply the remainder of this tract will never flood, nor does it create liability on the part of this surveyor or company in such an event.

Thoroughfare Plan shows a proposed extension of a minor arterial road across Lot 5, Block 1. In that event, a 6' sidewalk with accessible crossings is required along both sides of the street.

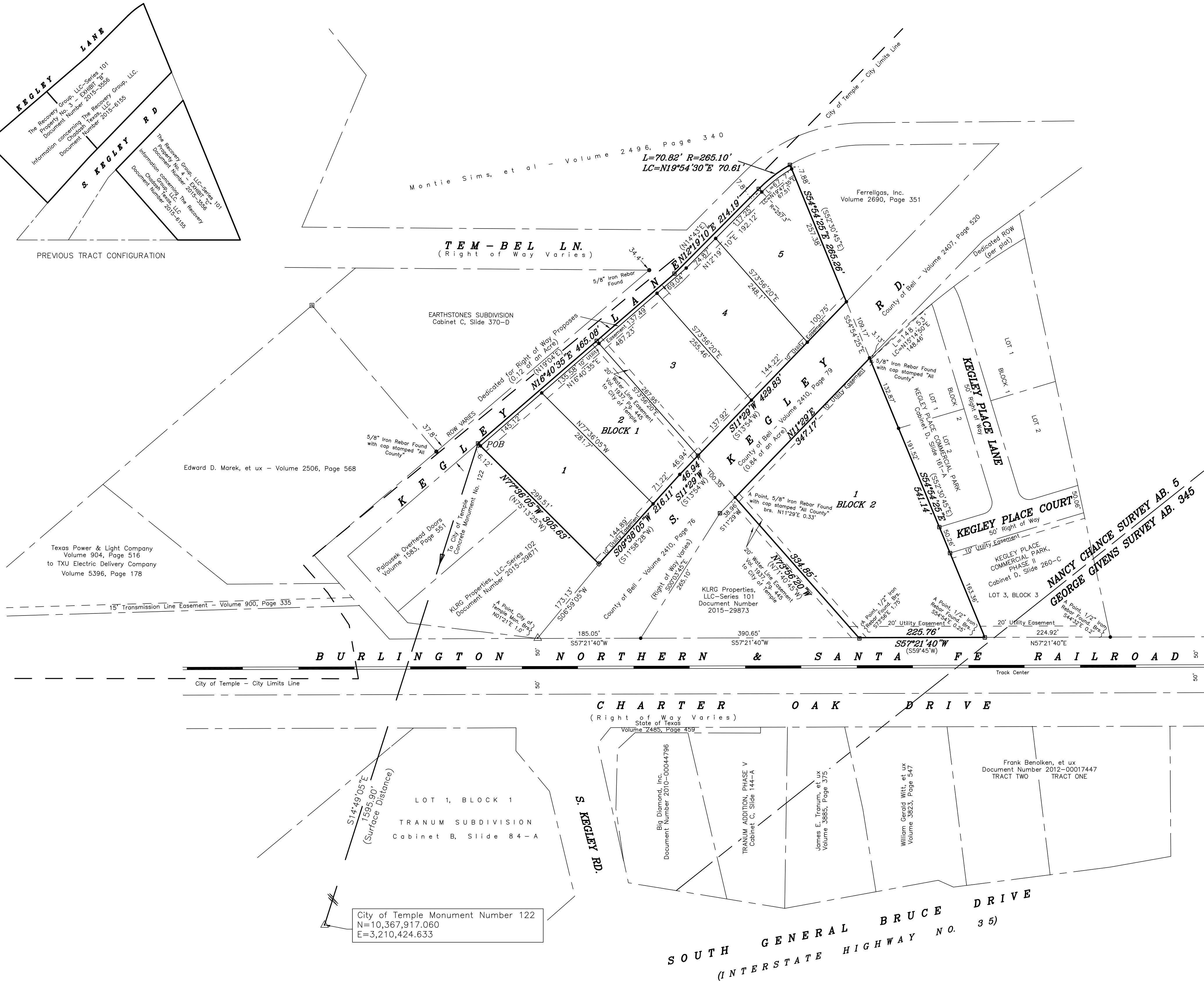
A 6' sidewalk is required along Kegley Road. City wide Trails Master Plan indicates a trail 6' to 8' in width. City has an oversized participation agreement to upgrade the minimum six foot wide up to eight foot. The City will help with the cost of the additional two feet.

LEGEND:

- = Property Corners are 5/8" Iron Rebar Set with cap stamped "RCS INC", unless otherwise stated
- () = Deed Bearings
- ⊕ = Property Corners are 1/2" Iron Rebar Found
- △ = City of Temple Monument Found
- ⊞ = 5/8" Iron Rebar Found With Cap stamped "ALL COUNTY"
- POB = POINT OF BEGINNING



100 50 0 100
SCALE: 1 Inch = 100 Feet



Final Plat of
KEGLEY CROSSING ADDITION,
being part of the **NANCY CHANCE SURVEY, Abstract Number 5,**
situated in the City of Temple, in Bell County, Texas.
Surveyed October 8, 2015.
RONALD CARROLL SURVEYORS, INC.

6 LOTS IN 2 BLOCKS = 6.97 TOTAL ACRES
0.12 LESS LANE RIGHT OF WAY
DEDICATION IN KEGLEY RD.
6.85 ACRES EXCLUSIVE OF KEGLEY
LANE RIGHT OF WAY.

LOT 1, BLOCK 1 = 0.97 ACRES
LOT 2, BLOCK 1 = 0.80 ACRES
LOT 3, BLOCK 1 = 0.82 ACRES
LOT 4, BLOCK 1 = 0.82 ACRES
LOT 5, BLOCK 1 = 0.81 ACRES
LOT 1, BLOCK 2 = 2.63 ACRES
6.85 ACRES

OWNERSHIP: Chadash Texas, LLC
845 Airville Road
Temple, Texas 76501-4827

STATE OF TEXAS
COUNTY OF BELL

I, Charles D. Amos, Jr., President of Chadash Texas, LLC, being the owner of the land shown in this plat, in the NANCY CHANCE SURVEY, Abstract Number 5, and being designated herein as the **KEGLEY CROSSING ADDITION**, an addition situated in the City of Temple, Bell County, Texas and whose name is subscribed hereto, hereby dedicate the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places as shown hereon within the plat boundary of this subdivision.

Charles D. Amos, Jr., President
Chadash Texas, LLC
845 Airville Road
Temple, Texas 76501-4827

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the _____ day of _____, 2016 by Charles D. Amos, Jr., President of Chadash Texas, LLC, on behalf of said organization.

Notary Public State of Texas

This Final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such Commission.

Dated this _____ day of _____, 2016

Chairperson to Planning and Zoning Commission

This Final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Temple, Texas, and is hereby approved by such commission.

Dated this _____ day of _____, 2016

Secretary to Planning & Zoning Commission

This Final plat has been submitted to and considered by the City Council of the City of Temple, Texas, and is hereby approved by such commission.

Dated this _____ day of _____, 2016.

City Secretary

TAX CERTIFICATE

The Bell County Tax Appraisal District, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this the _____ Day of _____, A.D. 2016.

BELL COUNTY TAX APPRAISAL DISTRICT

By: _____

RECORDATION INFORMATION

Plat Recorded in Plat Year 2016, Number _____, of the Bell County Plat Records.

Dedication Recorded in Document Number 2016-_____, of the Official Public Records Bell County.

I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify, that proper Engineering consideration has been given to this plat.

Lina Chtay, P.E. 107211

Date:

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

That I, Ronald Carroll, do hereby certify that I prepared this plat from an actual survey of the land and that the corner monuments shown thereon shall be properly placed, under my supervision, in accordance with the subdivision regulations of the City of Temple, Bell County, Texas.

IN WITNESS THEREOF, my hand and seal, this _____ day of _____, 2016.

RONALD CARROLL, RPLS 2025
Vice President

FINAL PLAT of
KEGLEY CROSSING ADDITION

situated in the
NANCY CHANCE SURVEY,
Abstract Number 5

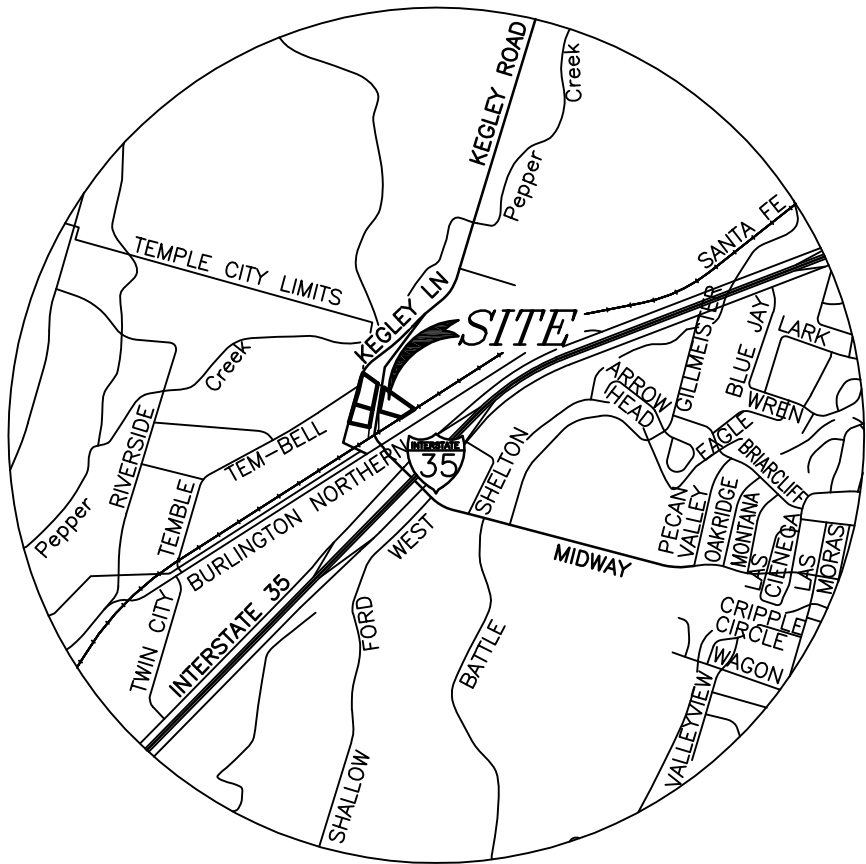
in the City of Temple,
Bell County, Texas.

RONALD CARROLL SURVEYORS, INC.

Phone: (254) 773-1447 Fax: (254) 773-1728

5302 South 31st Street - Temple, Texas 76502

DRAWN BY: M.J.S. DATE: 5/26/16 DRAWING NAME: 15111-PL-CHADASH
SHEET SIZE: 24x36 JOB#: 15111 FIELD BOOK: 89 PG 55-56



Vicinity Map
SCALE: Not to Scale

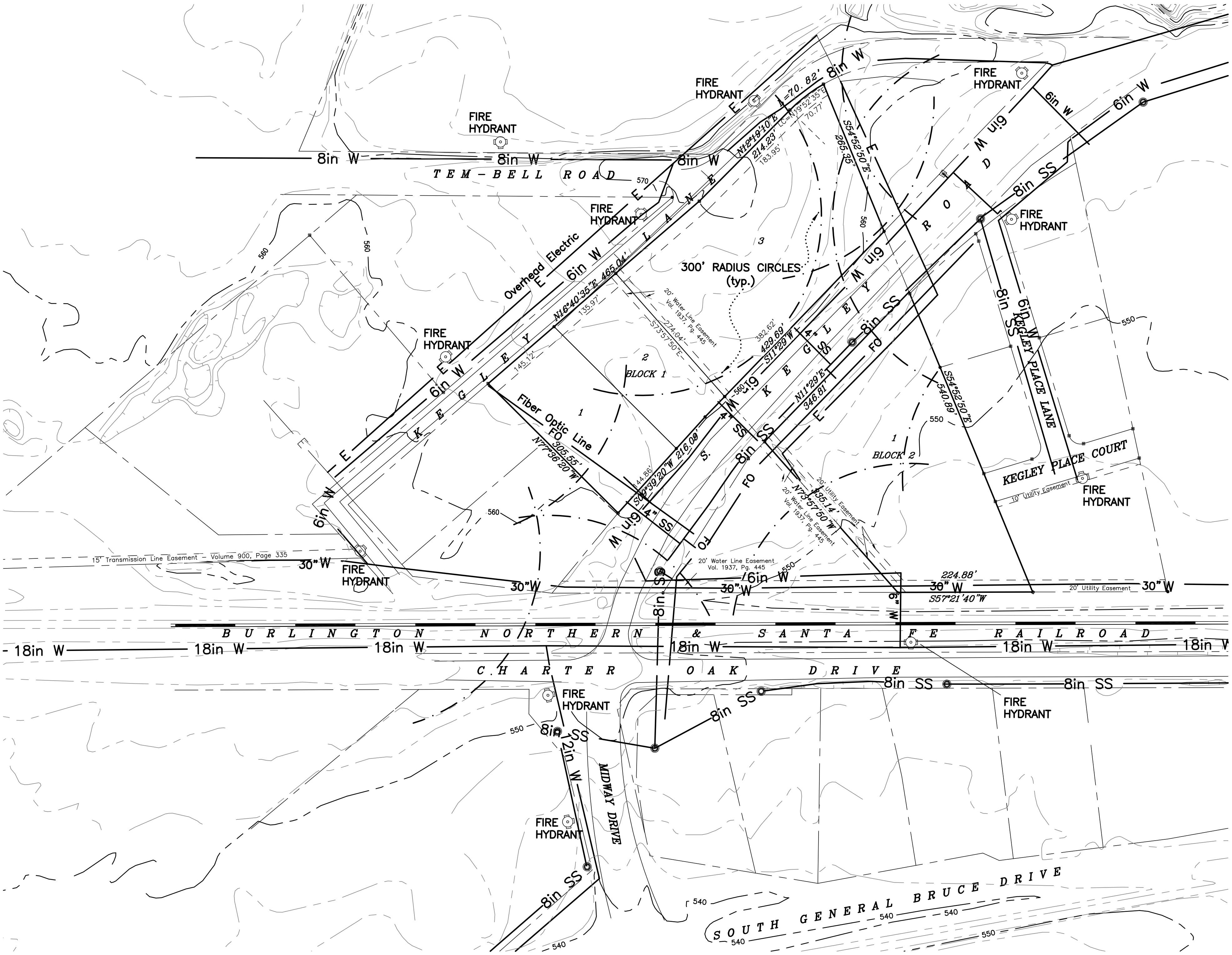
NOTES:
See attached Field Notes

Basis of Bearing: The survey work for this project is on Grid Bearings and Coordinates, based upon the Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the SMARTNET NETWORK OF NORTH AMERICA, Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value: N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. The Combined Correction Factor (CCF) for this project is 0.9998660.

A Horizontal tie to the City of Temple Control Monument Number 55 from the Point of Beginning is 539°03'10"E 2935.42' (Surface Distance). Monument No. 55 is a chiseled box cut on top of the west end of the south concrete guard rail at State Highway Loop Number 363, at the intersection with the U.P. Railroad Tracks.

The called theta angle at the City of Temple Monument No. 55 is 1°33'03" Combined Correction Factor (CCF) is 0.9998588.

This tract does appear within the Zone X of the "Special Flood Hazard Area" as per F.E.M.A. Federal Insurance Administration Map Number 48027C0335E effective date September 26, 2008. This statement does not imply the remainder of this tract will never flood, nor does it create liability on the part of this surveyor or company in such an event.



Topography and Utility Map of
KEGLEY CROSSING ADDITION,
being part of the NANCY CHANCE SURVEY, Abstract Number 5,
situated in the City of Temple, in Bell County, Texas. Contours
provided by City of Temple. Elevations on NAV88 datum.
Surveyed October 8, 2015.
RONALD CARROLL SURVEYORS, INC.

4 LOTS IN 2 BLOCKS = 6.97 TOTAL ACRES
LOT 1, BLOCK 1 = 0.99 ACRES
LOT 2, BLOCK 1 = 0.82 ACRES
LOT 3, BLOCK 1 = 2.54 ACRES
LOT 1, BLOCK 2 = 2.62 ACRES

OWNERSHIP: Chadash Texas, LLC
845 Airville Road
Temple, Texas 76501-4827

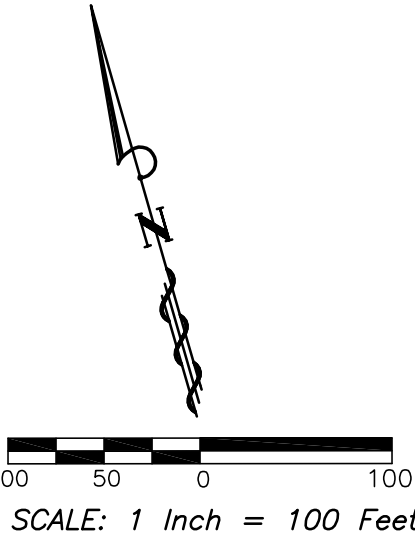
Topography and Utility Map of
KEGLEY CROSSING ADDITION
situated in the
NANCY CHANCE SURVEY,
Abstract Number 5
in the City of Temple,
Bell County, Texas.

RONALD CARROLL SURVEYORS, INC.

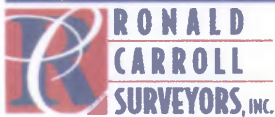
Phone: (254) 773-1447 Fax: (254) 773-1728

5302 South 31st Street - Temple, Texas 76502

DRAWN BY: M.J.S. DATE: 11/17/15 DRAWING NAME: 15111-PL-CHADASH
SHEET SIZE: 24x36 JOB#: 15111 FIELD BOOK: 89 PG 55-56



SCALE: 1 Inch = 100 Feet



July 8, 2016

Ms. Tammy Lyerly
Senior Planner
City of Temple
2 N. Main
Temple, TX 76501

Re: VARIANCE REQUEST FOR INTERNAL STREET ROW OVER
BLOCK 1 KEGLEY CROSSING ADDITION

Ms. Lyerly,

In regards to our DRC meeting July 7th, the owner of the subdivision wishes to request a variance on the matter of a proposed Minor Arterial Street (see Section 8.5.2 of the UDC), that is depicted on the attached map provided by the City.

The proposed route shown on the City map is in conceptual plan stage at this time. It does not have a definite route alignment but does have substance as being a real item as noted by Mr. Brian Chandler, City Planner. With the current route, we have noticed that it is shown to intersect Kegley Road at a 90 degree angle. It however intersects the owners property of Lot 3, and probably will impact Lot 2, Block 1 as well. It will also intersect the current adjoining owner, Ferrellgas, and take in most if not their entire tract as well.

After discussing the matter with the City Staff, we would like to suggest an alternate route. This route would connect to the newly existing Poison Oak Road and run easterly along a common property line that is pasture land. The route also will cross Pepper's Creek at a 90 degree angle, and then intersect Kegley Road at a 90 degree (see attached google image map). This route appears to be more conducive with existing street development and would have fewer land ownership contacts.

Thank you for your consideration of the Variance. We ask that you would consider such a request and ask for the approval of the variance request by the Planning Staff.

Sincerely,

RONALD CARROLL
RONALD CARROLL SURVEYORS, INC.

Enclosures: 2 maps
Cc: Mr. Charles Amos, Jr.

S:\data txjobs 2015 15111 Chadash admin Temple Submittal submitted 060716 Internal St Variance req 060716

Temple Web Map



August 12, 2016

Trails Master Plan

- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- UNDER DESIGN/CONSTRUCTION, CITY WIDE SPINE

Thoroughfare Plan

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector

Streets

- EXPRESSWAY

Legend

- UNDER DESIGN/CONSTRUCTION, COMMUNITY WIDE CONNECTOR
- Proposed Collector
- PlatCasesFY2016
- Easement
- Outblock Numbers
- Subdivision
- ETJ Boundary
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary

1:9,028

0 0.1 0.2 0.4 mi

0 0.175 0.35 0.7 km

RESOLUTION NO. _____

(PLANNING NO. P-FY-16-23)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF KEGLEY CROSSING ADDITION, AN APPROXIMATELY 6.97 ACRE, 6 LOT, 2 BLOCK, NONRESIDENTIAL SUBDIVISION, WITH A REQUESTED EXCEPTION TO UNIFIED DEVELOPMENT CODE SECTION 8.5.2: INTERNAL STREETS TO EXEMPT THE PROPERTY OWNER FROM RIGHT-OF-WAY DEDICATION FOR EXTENSION OF A FUTURE MINOR ARTERIAL ACROSS BLOCK 1, LOT 2 THROUGH LOT 5, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, CITY OF TEMPLE, BELL COUNTY, TEXAS, AND LOCATED BETWEEN KEGLEY LANE AND SOUTH KEGLEY ROAD, NORTH OF CHARTER OAK DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 18, 2016, the Planning and Zoning Commission recommended approval of the final plat of Kegley Crossing Addition, an approximately 6.97 acre, 6 lot, 2 block nonresidential subdivision, with a requested exception to Unified Development Code Section 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial (Poison Oak) across block 1, lot 2 through lot 5, situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, and located between Kegley Lane and South Kegley Road, north of Charter Oak Drive; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of Kegley Crossing Addition, with a developer-requested exception to 8.5.2: Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council approves the final plat of Kegley Crossing Addition, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive, and grants an exception to Section 8.5.2 of the Unified Development Code related to Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial.

Part 2: The City Council approves an exception to Section 8.5.2 of the Unified Development Code related to Internal Streets, to exempt the property owner from right-of-way dedication for extension of a future minor arterial, because:

- the location of the proposed Poison Oak “minor arterial” alignment may change on the Thoroughfare Plan to reflect a more feasible east/west connection;
- the change in Poison Oak’s future “minor arterial” alignment requires additional analysis and would require an amendment to the Thoroughfare Plan in the future; and
- since this is a nonresidential plat, no park fees are required or requested for this plat.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #9
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that two properties situated in Original Town of Temple and two properties situated in Roach's Addition, all of which are located along South 6th Street in Temple, Texas, 76501, are necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing the use of eminent domain to condemn the properties.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed Santa Fe Market Trail and Martin Luther King, Jr. Fields festival grounds. The design requires fee simple title to 25 properties in downtown Temple for the construction of the street improvements, park, and festival grounds, and their necessary appurtenances, under Chapter 251, Local Government Code § 251.001. The City has reached agreements to acquire eighteen of the properties, and the acquisitions of those properties are nearly complete. However, the design still requires the acquisition of fee simple title to seven properties, including two properties situated in Original Town of Temple and two properties situated in Roach's Addition, all of which are located along South 6th Street in Temple, Texas, 76501. Legal descriptions of the real property needed are included with the Resolution attached to this memorandum. The properties from needed are as follows:

- An unimproved lot measuring approximately 0.227 acre, or about 9,900 square feet, legally described as Lots 16-18, Block 36, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, with an address of 212 South 6th Street, Temple, Texas 76501 (Bell CAD ID #36638).
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on March 30 via Stateside Right-of-Way Services.
 - On August 3, after months of rebuffed attempts by Stateside Right-of-Way Services to meet with the property owner to discuss the City's offer, the property owner made a counter offer to the City in an amount equal to 202% of the appraised value. Stateside Right-of-Way Services has continued to negotiate with the property owner, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.

- If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- An unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as Lot 15, Block 43, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, with an address of 310 South 6th Street, Temple, Texas 76501 (Bell CAD ID #124328).
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owners of record on March 30 via Stateside Right-of-Way Services.
 - As of August 9, no response has been received, and Stateside Right-of-Way Services has been unable to contact or physically locate the owners.
 - If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- An unimproved lot legally described as Lot 10, Block 37, J.W. Roach Addition, an addition to the City of Temple, Bell County, Texas, with an address of 219 South 6th Street, Temple, Texas 76501 (Bell CAD ID #68398).
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owners of record on March 30 via Stateside Right-of-Way Services.
 - As of August 9, no response has been received, and Stateside Right-of-Way Services has been unable to contact or physically locate the owners.
 - If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- An unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as the South 2/3rd of Lot 4, and the North 1/3rd of Lot 5, Block 44, Roach's Addition, an addition to the City of Temple, Bell County, Texas, with an address of 307 South 6th Street, Temple, Texas 76501 (Bell CAD ID #92063).
 - An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owners of record on March 30 via Stateside Right-of-Way Services.
 - As of August 9, no response has been received, and Stateside Right-of-Way Services has been unable to contact or physically locate the owners.

- If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owner, which the property owner will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the properties described above, if the parties are ultimately unable to reach agreements.

FISCAL IMPACT: Funding for the purchase of the property necessary for construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds is appropriated in account 795-9500-531-6566, project #101262.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT TWO PROPERTIES SITUATED IN ORIGINAL TOWN OF TEMPLE AND TWO PROPERTIES SITUATED IN ROACH'S ADDITION, ALL OF WHICH ARE LOCATED ALONG SOUTH 6TH STREET, TEMPLE, TEXAS 76501, ARE NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS AND AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Santa Fe Market Trail/MLK Fields festival grounds, which requires fee simple title to 25 properties in downtown Temple for the construction of the street improvements, park, and festival grounds, and their necessary appurtenances, under Chapter 251, Local Government Code §251.001;

Whereas, the City has reached agreements to acquire eighteen of the properties, and the acquisitions of those properties are nearly complete, however the design still requires the acquisition of fee simple title to seven properties, including two properties situated in Original Town of Temple and two properties situated in Roach's Addition, all of which are located along South 6th Street in Temple, Texas, 76501 and outlined as follows:

- an unimproved lot measuring approximately 0.227 acre, or about 9,900 square feet, legally described as Lots 16-18, Block 36, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, being the same land described as Tract Sixteen in a deed dated October 31, 2013, recorded as Document No. 2013-00047516, Official Public Records of Real Property of Bell County, Texas, and with an address of 212 South 6th Street, Temple, Texas 76501 (Bell CAD ID #36638);
- an unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as Lot 15, Block 43, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Volume 36, Page 640, Deed Records of Bell County, and with an address of 310 South 6th Street, Temple, Texas 76501 (Bell CAD ID #124328);
- an unimproved lot legally described as Lot 10, Block 37, J.W. Roach Addition, an addition to the City of Temple, Bell County, Texas, with an address of 219 South 6th Street, Temple, Texas 76501 (a portion of Bell CAD ID #68398), and being a portion of the land conveyed to J. Willis Marshall in a deed dated November 1, 1920, and recorded in Volume 323, Page 617, Official Public Records of Real Property, Bell County, Texas;
- an unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as the South 2/3rd of Lot 4, and the North 1/3rd of Lot 5, Block 44, Roach's Addition, an addition to the City of Temple, Bell County, Texas, with an address of 307 South 6th Street, Temple, Texas 76501 (Bell CAD ID #92063), and being the same land conveyed to Naomi Ruth Jefferson and Sarah Marie Peoples in a

deed dated November 5, 1994, and recorded in Volume 323, Page 685, Official Public Records of Real Property, Bell County, Texas;

Whereas, appraisals were performed on the properties and the City made offers to purchase the properties, based on appraisals, to the owners of record on March 30, 2016 via Stateside Right-of-Way Services;

Whereas, if no agreement has been reached as of August 19, 2016, Staff plans to make bona fide final offers to the property owners, which the property owners will have 14 days to accept.

Whereas, if the parties are ultimately unable to come to an agreement, Staff recommends, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the properties described above;

Whereas, funding for the acquisition of this property is available in Account No. 795-9500-531-6566, Project No. 101262; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this resolution as if copied in their entirety.

Part 2: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, an unimproved lot measuring approximately 0.227 acre, or about 9,900 square feet, legally described as Lots 16-18, Block 36, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, being the same land described as Tract Sixteen in a deed dated October 31, 2013, recorded as Document No. 2013-00047516, Official Public Records of Real Property of Bell County, Texas, and with an address of 212 South 6th Street, Temple, Texas 76501 (Bell CAD ID #36638).

Part 3: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, an unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as Lot 15, Block 43, Original Town of Temple, an addition to the City of Temple, Bell County, Texas, according to the plat of record in Volume 36, Page 640, Deed Records of Bell County, and with an address of 310 South 6th Street, Temple, Texas 76501 (Bell CAD ID #124328);

Part 4: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, an unimproved lot legally described as Lot 10, Block 37, J.W. Roach Addition, an addition to the City of Temple, Bell County, Texas, with an address of 219 South 6th Street, Temple, Texas 76501 (a portion of Bell CAD ID #68398), and being a portion of the land conveyed to J. Willis Marshall in a deed dated November 1, 1920, and recorded in Volume 323, Page 617, Official Public Records of Real Property, Bell County, Texas.

Part 5: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, an unimproved lot measuring approximately 0.076 acre, or about 3,300 square feet, legally described as the South 2/3rd of Lot 4, and the North 1/3rd of Lot 5, Block 44, Roach's Addition, an addition to the City of Temple, Bell County, Texas, with an address of 307 South 6th Street, Temple, Texas 76501 (Bell CAD ID #92063), and being the same land conveyed to Naomi Ruth Jefferson and Sarah Marie Peoples in a deed dated November 5, 1994, and recorded in Volume 323, Page 685, Official Public Records of Real Property, Bell County, Texas.

Part 6: The City Council hereby finds and determines that the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

Part 7: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

Part 8: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the **18th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

08/18/16
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Jim Kachelmeyer, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that portions of three properties situated in the Baldwin Robertson Survey, Abstract #17, and located along Prairie View Road, Temple, Texas, 76502, are necessary for the expansion and realignment of Prairie View Road and authorizing the use of eminent domain to condemn the properties.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has completed the design phase for the proposed expansion and realignment of Prairie View Road. The design requires the acquisition of fee simple title to portions of sixteen properties located along FM 2483 and Prairie View Road, Temple, Texas, 76502, for the construction of the roadway and its necessary appurtenances under Chapter 251, Local Government Code § 251.001. The City has reached agreements to acquire twelve of the properties, and the acquisitions of those properties will be complete soon. However, the design still requires the acquisition of fee simple title to portions of three properties situated in the Baldwin Robertson Survey, Abstract #17, and located along Prairie View Road, Temple, Texas, 76502, as well as a drainage easement across a portion of the remainder of the property at 8750 Prairie View Road. Surveys and legal descriptions of the property needed as right-of-way and for drainage are included with the Resolution attached to this memorandum. The properties needed as right-of-way are as follows:

- 1.974 acre, more or less, of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 19.22 acre tract of land conveyed to Jesse Resendez Hernandez and Linda Ruth Hernandez in a Contract of sale and Purchase, Veterans Land Program of the State of Texas, VLB Account Number 700-151689, of record in Volume 3792, Page 273, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 9084 Prairie View Road, Temple, Texas, 76502;
 - In addition to the 1.974 acre of fee simple right-of-way, construction of the Prairie View Road Phase 2 project requires a 10-foot temporary construction easement across the property, parallel and abutting the northern boundary of the proposed right-of-way acquisition.
 - An appraisal was performed on the property and the City made an offer to purchase the necessary right-of-way and temporary construction easement, based on the appraisal, on May 19 via H.W. Lochner, Inc.. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.

- On July 23, the property owners made a counter offer to the City in an amount equal to 382% of the appraised value and 365% of the City's offer. Staff has continued to negotiate with the property owners, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- 0.619 acre, more or less, of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located 8750 Prairie View Road, Temple, Texas, 76502;
 - In addition to the 0.619 acre of fee simple right-of-way, construction of the Prairie View Road Phase 2 project requires a 10-foot temporary construction easement across the property, parallel and abutting the northern boundary of the proposed right-of-way acquisition.
 - In addition to the 0.619 acre of fee simple right-of-way and the 10-foot temporary construction easement, the expansion of Prairie View Road requires a drainage easement measuring 0.115 acre, more or less, of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located 8750 Prairie View Road, Temple, Texas, 76502;
 - An appraisal was performed on the property and the City made an offer to purchase the necessary right-of-way, drainage easement, and temporary construction easement, based on the appraisal, on April 20 via H.W. Lochner, Inc.. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.
 - On May 16, the property owners made a counter offer to the City in an amount equal to 206% of the appraised value and 170% of the City's offer. Staff has continued to negotiate with the property owners, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
 - If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.
- 0.195 acre, more or less, of land situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, being a portion of a called 0.56 acre tract conveyed to Bradley Brantley and Kristi Brantley in Document No. 2007-00032679, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 8710 Prairie View Road, Temple, Texas, 76502;
 - In addition to the 0.619 acre of fee simple right-of-way, construction of the Prairie View Road Phase 2 project requires a 10-foot temporary construction easement across the property, parallel and abutting the northern boundary of the proposed right-of-way acquisition.

- An appraisal was performed on the property and the City made an offer to purchase the necessary right-of-way and temporary construction easement, based on the appraisal, on April 20 via H.W. Lochner, Inc.. The property owners requested an extension of the deadline to submit a counter offer, which the City granted.
- On July 8, the property owners made a counter offer to the City in an amount equal to 2,025% of the appraised value and 1,715% of the City's offer. Staff has continued to negotiate with the property owners, but the parties have been unable to come to an agreement, and a settlement appears unlikely at this time.
- If no agreement has been reached as of August 19, Staff plans to make a bona fide final offer to the property owners, which the property owners will have 14 days to accept. Staff is asking Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to come to an agreement.

Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the properties described above, if the parties are ultimately unable to reach agreements.

FISCAL IMPACT: Funding is appropriated for the purchase of the properties necessary for the expansion of Prairie View Road in account 365-3400-531-6862, project #101257.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT PORTIONS OF THREE PROPERTIES SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, AND LOCATED ALONG PRAIRIE VIEW ROAD, TEMPLE, TEXAS, 76502, ARE NECESSARY FOR THE EXPANSION AND REALIGNMENT OF PRAIRIE VIEW ROAD AND AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has completed the design phase for the proposed expansion and realignment of Prairie View Road, which requires the acquisition of fee simple title to portions of sixteen properties located along FM 2483 and Prairie View Road, Temple, Texas, 76502, for the construction of the roadway and its necessary appurtenances under Chapter 251, Local Government Code § 251.001;

Whereas, the City has reached agreements to acquire twelve of the properties, and the acquisitions of those properties will be complete soon; however, the design still requires the acquisition of fee simple title to portions of three properties situated in the Baldwin Robertson Survey, Abstract #17, and located along Prairie View Road, Temple, Texas, 76502, outlined as follows:

- approximately 1.974 acres of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 19.22 acre tract of land conveyed to Jesse Resendez Hernandez and Linda Ruth Hernandez in a Contract of Sale and Purchase, Veterans Land Program of the State of Texas, VLB Account Number 700-151689, of record in Volume 3792, Page 273, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 9084 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes;
- approximately 0.619 acre of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located 8750 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit B attached hereto and made a part hereof for all purposes;
- approximately 0.195 acre of land situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, being a portion of a called 0.56 acre tract conveyed to Bradley Brantley and Kristi Brantley in Document No. 2007-00032679, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 8710 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit C attached hereto and made a part hereof for all purposes;

Whereas, the design also requires the acquisition of a drainage easement across approximately 0.115 acre of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located 8750 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit D attached hereto and made a part hereof for all purposes;

Whereas, appraisals were performed on the properties and the City made offers to purchase the necessary right-of-way, temporary construction easements, and drainage easement, based on the appraisals, via H.W. Lochner, Inc. in April and May 2016;

Whereas, the parties have been unable to reach agreements;

Whereas, Staff plans to make bona fide final offers to the property owners, which the property owners will have 14 days to accept; if the parties are ultimately unable to come to an agreement, Staff recommends, pursuant to Chapter 2206, Government Code § 2206.053, that Council authorize the use of the power of eminent domain to acquire the properties described above;

Whereas, funding for the acquisition of these properties is available in Account No. 365-3400-531-6862, Project No. 101257; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this resolution as if copied in their entirety.

Part 2: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, approximately 1.974 acres of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 19.22 acre tract of land conveyed to Jesse Resendez Hernandez and Linda Ruth Hernandez in a Contract of Sale and Purchase, Veterans Land Program of the State of Texas, VLB Account Number 700-151689, of record in Volume 3792, Page 273, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 9084 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes.

Part 3: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, approximately 0.619 acre of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property

located 8750 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit B attached hereto and made a part hereof for all purposes.

Part 4: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, approximately 0.195 acre of land situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, being a portion of a called 0.56 acre tract conveyed to Bradley Brantley and Kristi Brantley in Document No. 2007-00032679, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located at 8710 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit C attached hereto and made a part hereof for all purposes.

Part 5: The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, a drainage easement across approximately 0.115 acre of land situated in the Baldwin Robertson Survey, Abstract #17, being a portion of a called 1.460 acre tract of land conveyed to Don E. Clauder, Jr., and Charmaine L. Clauder in Volume 3394, Page 401, Official Public Records of Real Property, Bell County, Texas, otherwise known as a portion of the property located 8750 Prairie View Road, Temple, Texas, 76502, and being more particularly described by metes and bounds in Exhibit D attached hereto and made a part hereof for all purposes.

Part 6: The City Council hereby finds and determines that the expansion and realignment of Prairie View Road is a public use under Chapter 251, Local Government Code § 251.001(a)(4).

Part 7: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

Part 8: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 18th day of August, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney